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LEGISLATIVE HISTORY

Public Law 90-95
S. 1657

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INDEX AND SUMMARY OF S. 1657

May	1, 1967	Sen. Anderson introduced and discussed S. 1657 which was referred to Senate Agriculture Committee. Print of bill and remarks.
Aug.	2, 1967	Senate committee voted to report S. 1657.
Aug.	3, 1967	Senate committee reported S. 1657 with amendment. S. Report 476. Print of bill and report.
Aug.	4, 1967	Senate passed S. 1657 as reported.
Aug.	7, 1967	S. 1657 was referred to House Agriculture Committee. Print of bill as referred.
Aug.	9, 1967	House committee voted to report S. 1657.
Aug.	22, 1967	House committee reported S. 1657 without amendment. H. Report No. 574. Print of bill and report.
Sept.	18, 1967	House passed S. 1657 under suspension of the rules.
Sept.	28, 1967	Approved: Public Law 90-95.

S. 1657

IN THE SENATE OF THE UNITED STATES

MAY 1, 1967

Mr. ANDERSON (for himself and Mr. MONTONA) introduced the following bill;
which was read twice and referred to the Committee on Agriculture and
Forestry

A BILL

To extend for one year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 331 (c) of the Economic Opportunity Act of
4 1964, as amended, is amended by striking out "June 30,
5 1967" and inserting in lieu thereof "June 30, 1968".

A BILL

To extend for one year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government.

By Mr. ANDERSON and Mr. MONTOYA

MAY 1, 1967

Read twice and referred to the Committee on
Agriculture and Forestry

INVESTMENT COMPANY AMENDMENTS ACT OF 1967

The PRESIDENT pro tempore laid before the Senate a letter from the Chairman, Securities and Exchange Commission, Washington, D.C., transmitting a draft of proposed legislation to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes, which, with the accompanying paper, was referred to the Committee on Banking and Currency.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Wisconsin; to the Committee on Agriculture and Forestry:

"ASSEMBLY JOINT RESOLUTION 51

"An enrolled joint resolution memorializing Congress to direct the Secretary of Agriculture to co-operate with state officials on state laws regulating the grain shipping industry

"Whereas, the Wisconsin Grain and Warehouse Commission was created in 1905; and
"Whereas, this commission since its formation has protected the interests of the grain shipper's in this area by inspecting the grain and weighing procedures relating to grain shipments into and out of this state; and

"Whereas, through its conscientious and diligent efforts the commission has been successful in controlling unethical practices in grain inspecting and weighing and has become known and respected the world over; and

"Whereas, in 1919 the United States Warehouse Act was passed by Congress. This act was passed to complement state supervision over certain industries, including the grain shipment industry, but not to replace this supervision; and

"Whereas, under the provisions of this Federal Warehouse Act, however, grain firms are being allowed to become completely free of state supervision and to conduct their own inspections and grain weighing procedures; and

"Whereas, it has been verified through every day experiences that a disinterested 3rd party inspector is a necessity in grain weighing and inspecting operations for the public welfare; and

"Whereas, this is a proper area for state supervision; and

"Whereas, the Superior area has been classified by the United States government as an economically depressed area and, if the grain firms are successful in coming under the federal act, over 100 people will be out of work; and

"Whereas, the United States Warehouse Act provides that the Secretary of Agriculture is authorized to co-operate with state officials charged with the enforcement of state laws relating to warehouses, warehousemen, weighers, etc.; now, therefore, be it

"Resolved by the assembly, the senate concurring, That the legislature respectfully memorializes the Congress of the United States to direct the Secretary of Agriculture to co-operate with state officials and state laws in the area of grain shipments as authorized by the United States Warehouse Act in the interests of public

welfare and the economy of this state; and, be it further

"Resolved, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, to the Clerk of the House of Representatives of the United States, to each member of the Congress from this state and to the Secretary of Agriculture.

"Assembly Chief Clerk.

"HAROLD V. FROELICH,

"Speaker of the Assembly.

"WILLIAM P. NUGENT,

"Senate Chief Clerk."

A joint resolution of the Legislature of the State of Colorado; to the Committee on Interior and Insular Affairs:

"House Joint Memorial 1013

"Memorializing the Congress of the United States to take such action as may be necessary to establish an adequate and permanent national cemetery system to make national cemeteries available with burial spaces for all United States military service men and women who are entitled to the same, and wish to be interred there

"Whereas, Figures, compiled by the Department of Defense for the fiscal year 1966, show that of the 4,873 servicemen who lost their lives in the fight for freedom in Viet Nam during the period, 873 or 20.4 per cent were buried in national cemeteries; and although one in five were actually interred in national cemeteries, many more would probably have also been buried in a national cemetery had there been available space near the home of next of kin; and

"Whereas, Over the past three years there has been a determined effort on the part of some federal agencies to sharply curtail or do away altogether with any further provision for national cemeteries. The Bureau of the Budget has stated unequivocally, 'We continue to believe that expansion of the national cemetery is undesirable. The Administration firmly believes that funeral benefits now paid by the Veterans Administration and under Social Security are far preferable to the furnishing of interment facilities by the Government. Legislation to this end would not be in accord with the program of the President', and

"Whereas, Present day burial expenses are sufficiently high without placing on the veteran's and serviceman's dependent the added cost of purchasing a burial plot. This cost can run into astronomical figures for the widow who has little income; and

"Whereas, The burial allowances of the Veterans Administration and those provided under Social Security are far too meager to provide for the last rites of most veterans and servicemen; and

"Whereas, The Department of the Army has advised Congress that, 'The Administration has determined that it is opposed to any further expansion of the present national cemetery system with the exception of Arlington National Cemetery,'; and

"Whereas, It is perfectly evident that the present administration is determined to end the national cemetery system just as soon as present facilities are exhausted. This procedure is a rank departure from the long-time precedent that veterans who have served their nation in time of war are entitled to burial sites provided by the United States government; now, therefore,

"Be It Resolved by the House of Representatives of the Forty-sixth General Assembly of the State of Colorado, the Senate concurring herein:

"That this General Assembly strongly urges the Congress of the United States to take such action as necessary to forestall the present plans of the Bureau of the Budget and the administration, and to oppose the position of the Department of Defense which

supports the administration's policy of no further expansion of the national cemetery system, with the exception of the Arlington National Cemetery, as many national cemeteries have already exhausted available space and several others are scheduled for closing this year; and

"Be It Further Resolved, That the Department of Defense be requested to establish an adequate and permanent national cemetery system to make national cemeteries available with burial spaces for all United States military service men and women who are entitled to the same, and wish to be interred there; and

"Be It Further Resolved, That copies of this resolution be forwarded to the secretary of the United States Senate, and chief clerk of the United States House of Representatives, and to the Honorable Lyndon B. Johnson, President of the United States; the Honorable Robert S. McNamara, Secretary of Defense; the Honorable Charles L. Schultz, Director, Bureau of the Budget; and to the members of the Congress from the State of Colorado: Senator Gordon Allott, Senator Peter Dominick, Congressman Wayne N. Aspinall, Congressman Donald G. Brotzman, Congressman Frank E. Evins, and Congressman Byron G. Rogers.

"JOHN D. VANDERHOOF,

"Speaker of the House of Representatives.

"HENRY C. KIMBROUGH,

"Chief Clerk of the House of Representatives.

"MARK A. HOGAN,

"President of the Senate.

"COMFORT W. SHAW,

"Secretary of the Senate."

A concurrent resolution of the Legislature of the State of New York; to the Committee on the Judiciary:

"RESOLUTION 43

"A concurrent resolution of the Legislature of the State of New York memorializing the Congress of the United States to make Columbus Day, the twelfth day of October, a federal public holiday

"Whereas, For many years the State of New York has accorded recognition to the great discoverer of this land, Christopher Columbus, by providing by law that the twelfth day of October in each year, the anniversary day of his discovery, be a legal public holiday in this state; and

"Whereas, Although many other states have also made Columbus Day a legal holiday, the government of the United States has not provided the same recognition to that intrepid and famous explorer who met and conquered the then as yet uncharted extremities of the endless seas by making Columbus Day a federal legal public holiday; and

"Whereas, It is just and fitting that Christopher Columbus be similarly honored federally for his memorable voyage and discovery of America; now, therefore, be it

"Resolved (if the Assembly concur), That the Congress of the United States be and it is hereby respectfully memorialized to enact suitable legislation to make Columbus Day, the twelfth day of October, a federal legal public holiday; and be it further

"Resolved (if the Assembly concur), That copies of this resolution be transmitted to the Congress of the United States by forwarding one copy thereof to the Secretary of the Senate, one copy to the Clerk of the House of Representatives, and one copy to each member of the Congress from the State of New York.

"By order of the Senate

"ALBERT J. ABRAMS,

"Secretary.

"In assembly, March 22, 1967, Concurred in without amendment.

"JOHN T. MCKENNAN,

"Clerk."

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. METCALF, from the Committee on Interior and Insular Affairs, without amendment:

S. 1601. A bill to increase the appropriation authorization for continuing work in the Missouri River Basin by the Secretary of the Interior (Rept. No. 204).

By Mr. HANSEN, from the Committee on Interior and Insular Affairs, with an amendment:

S. 443. A bill to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 0280122); (Rept. No. 203).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with amendments:

S.J. Res. 35. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas (Rept. No. 202).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ANDERSON (for himself and Mr. MONTROYA):

S. 1657. A bill to extend for 1 year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. ANDERSON when he introduced the above bill, which appear under a separate heading.)

By Mr. CASE:

S. 1658. A bill to authorize regulations requiring certain vessels to use bridge-to-bridge radiotelephone communications while operating in certain areas of the navigable waters of the United States; to the Committee on Commerce.

(See the remarks of Mr. CASE when he introduced the above, which appear under a separate heading.)

By Mr. SPARKMAN:

S. 1659. A bill to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes; to the Committee on Banking and Currency.

(See the remarks of Mr. SPARKMAN when he introduced the above bill, which appear under a separate heading.)

EXTENSION FOR 1 YEAR THE AUTHORITY OF THE SECRETARY OF AGRICULTURE TO MAKE CERTAIN INDEMNITY PAYMENTS

Mr. ANDERSON. Mr. President, I introduce, on behalf of Senator MONTROYA and myself, an amendment to section 331(c) of the Economic Opportunity Act of 1964 to extend for 1 year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets. Such removal, due to unsafe levels of chemical residue in the milk, has resulted in the threat of bankruptcy to many producers in west Texas and New Mexico. Farmers in this region are currently dumping

thousands of dollars worth of milk every day.

The chemicals involved, notably DDT and its derivatives, are registered and approved for use by the Food and Drug Administration. Yet there is no federally regulated system of laboratory analysis to determine a uniform level of tolerance. As a result, particularly in the cotton-growing sections of New Mexico and west Texas, these chemicals are freely used to dust cotton from airplanes. This has resulted in the contamination of the earth and the air, as well as the cattle feed which is grown in the area and subsequently fed to milk-producing stock.

Prior to March 15, 1967, there was a tolerance of zero parts of DDT residue allowed in milk and dairy products. Upon the application of the Department of Agriculture of California and the department of public health of that State, a hearing was held and the level was changed to 1.25 parts per million. Yet even this level is becoming impossible for the dairy farmers in west Texas and New Mexico to meet. Drought conditions, wind, and other climatic conditions cause the level of absorption to vary considerably. Laboratory tests are also variable and unreliable, showing a low content of residue at one period and a high content at another. No means are currently available to the farmer to enable him to check his milk for safety levels prior to its being sent out for processing and distribution. Since milk is extremely perishable, he has no recourse, once his milk is rejected, but to get rid of it. It is easy to see that this is causing an extreme financial hardship on the individual farmer, as well as on the economic vitality of the entire region.

Remedies are available, but they will take time. Though the California hearings showed that levels of 2.5 parts per million are acceptable for human consumption, such an increase would have to be established as the legal tolerance level. If the tolerance level is not raised, then adequate Federal testing procedures should be made available to the farmers in advance so that they may protect themselves against unexpected and unforeseen rejection. Perhaps the only solution would be to bar the use of DDT and its derivatives altogether.

Until these alternatives become available, the plight of the dairy farmer remains intolerable. Under title 7 of the 1964 Agriculture Act a fund—the milk indemnity payment program—in excess of \$8 million was set aside for producers caught under FDA enforcement policy. The 1966 version cut this amount to \$500,000 and is due to expire June 30 of this year. It is estimated that producers already in trouble could dissipate this fund in 6 months. The legislation I have introduced is designed to extend the expiration date for 1 year and to return the fund to its original level of \$8 million. This would allow the producers to remain in business while acceptable testing and grading procedures are established.

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). The bill will be received and appropriately referred.

The bill (S. 1657) to extend for 1 year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government, introduced by Mr. ANDERSON (for himself and Mr. MONTROYA), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

NAVIGATIONAL SAFETY RADIO ACT OF 1967

Mr. CASE. Mr. President, I introduce for appropriate reference a bill entitled the Navigational Safety Radio Act of 1967.

This measure is designed to help to assure that ships using America's increasingly crowded waterways operate with greater safety. My bill would seek to accomplish this by requiring most commercial shipping to make more widespread use of bridge-to-bridge radio communications while operating in the navigable waters of the United States.

The provisions of my bill are keyed to making this requirement applicable to large vessels—those which, in a collision, can cause heavy loss of life and get property damage.

My bill would apply to self-propelled passenger ships of 100 or more gross tons—a vessel's enclosed space expressed in cubic feet—to other motorized vessels of 300 or more gross tons and to special purpose craft, such as dredges, when their operations might be a hindrance to regular shipping traffic. The tonnage standards would exempt most tugs, barges and pleasure craft, according to maritime experts, while they would apply to every ship of significant size.

There is a division of opinion in shipping circles whether even the heavier barges, or strings of barges, should be required to use the bridge radio telephone system. I will not attempt to settle that issue here. This is a question that should be explored in committee hearings.

The language of the bill does not cover foreign-flag vessels, as such. But since U.S. navigation laws apply to all vessels of whatever flag when they are in U.S. waters, the effect would be to require that foreign vessels also carry bridge-to-bridge radiotelephones.

At present, the master or pilot of a vessel can use two different methods for avoiding collision. These are radar, which tells him only the location of an oncoming ship; or the marine rules of the road, a mandatory system by which two approaching vessels determine which one has the right-of-way.

The chief feature of the rules of the road, prescribed whistle signals, has often been criticized. Seamen complain, for example, that on a windy day, or when there is conflicting noise from other ships, or from on shore, the sound of the whistles may not be clear. Although some deck officers remedy this by watching for puffs of steam that follow the whistles, even this source of information is being cut off as diesel engine ves-

SENATE

- Aug 2 1967
16. FOOD. Passed as reported S. 2138, authorizing the Secretary of Agriculture and the Surgeon General to provide food and medical services on an emergency basis. This bill had been reported Aug. 1 during adjournment (S. Rept. 467). pp. S10543, S10548-8
 17. APPROPRIATIONS. Passed, 80-4, with amendments H. R. 10196, the Labor and Health, Education, and Welfare appropriation bill. This bill had been reported Aug. 1 during adjournment (S. Rept. 469). Conferees were appointed. pp. S10651-10715
Agreed to the conference report on S. 1296, providing authorizations for the National Aeronautics and Space Administration. pp. S10578-80
A Subcommittee of the Appropriations Committee approved for full committee consideration with amendments H. R. 10738, the defense appropriation bill. p. D670
 18. FOREIGN AID. Sen. Ellender inserted an article by Secretary Freeman, "Malthus, Marx, and the North American Breadbasket," in which he discusses "food production and its effect upon international relations." pp. S10582-5
 19. RECLAMATION. Passed as reported S. 1251, to make certain reclamation project expenses nonreimbursable. pp. S10538-9
Passed as reported S. 862, forbidding Federal participation in irrigation projects under the Small Reclamation Projects Act until 30 days after a project has been submitted to Congress. This bill had been reported on Aug. 1 during adjournment (S. Rept. 468). pp. S10543-5
Began consideration of S. 1004, authorizing construction and operation of the Central Arizona project. Sen. Jackson inserted certain financial data relating to this bill. pp. S10620-1, S10720-2
 20. INDIAN LANDS. Passed as reported S. 285, to allow long-term leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, farming or grazing purposes. pp. S10542-3
 21. HOUSING. Sen. Kennedy, N. Y., commended and inserted testimony by Sen. Mondale before the Housing Subcommittee, S. Banking and Currency Committee, on proposed legislation to provide moderate-income families with opportunity to purchase housing and to establish a revolving Federal fund to aid nonprofit sponsors in the effort to meet the housing needs of the urban poor. pp. S10591-3
Sen. Scott inserted his testimony on his proposal to develop comprehensive planning in housing programs as well as other community goals. pp. S10622-3
 22. POVERTY. Sen. Javits inserted several magazine articles presenting, debating, and analyzing the various programs carried on under the provisions of the Economic Opportunity Act. pp. S10624-8
 23. TAX SHARING. Sen. Javits commended and inserted a statement to the Fiscal Policy Subcommittee, Jt. Economic Committee, by Dr. Walter Heller, former Chairman of the Council of Economic Advisers, entitled "Questions and Answers on Revenue Sharing." pp. S10632-5

24. AGRICULTURAL EXPORTS. Sen. Carlson inserted a statement by the National Farmers Union president discussing food needs, world trade, and export problems. pp. S10635-7
25. INTERGOVERNMENT RELATIONS. Sen. Mundt inserted a speech by Sen. Baker on "The Future of Federalism," in which he stated that he strongly favors a program of no-strings-attached federal revenue sharing as the centerpiece of a balanced program to strengthen federalism as state and local governments assume more responsibility. pp. S10637-8
26. COMMITTEE BUSINESS. The Agriculture and Forestry Committee ordered favorably reported (but did not actually report) without amendment S. 2126, to make newly acquired farms eligible for the cropland adjustment program under certain circumstances; and with amendment S. 109, prohibiting discrimination against a ~~producer concerning his right to belong to an association of producers~~; S. 1657, authorizing indemnity payments to dairy farmers who are directed to remove their milk from markets because it contains certain chemical residues; ~~and S. 1550, to amend the Consolidated Farmers Home Administration Act to provide for release of valueless liens.~~ p. D670
27. POLLUTION. Received from HEW a report on automotive air pollution, and from the Interior Department a report on manpower and training needs in water pollution control; to Public Works Committee. p. S10549
Sen. Cooper inserted an editorial commenting on the air pollution control bill which the Senate passed recently, "A Business Responsibility." pp. S10608-9
28. FAIR HOUSING. Sen. Sparkman announced hearings to begin Aug. 21 on S. 1358, the proposed Fair Housing Act of 1967, and S. 2114, to supplement the financing of homes where there is evidence of discriminatory lending practices. Sen. Mondale spoke in favor of these two bills. pp. S10576-7
29. COSPONSORS. Several Senators were added as cosponsors to various bills; Sens. Thurmond and Jordan, Idaho, to S. 2097, to double custom duty on articles imported from communist countries trading with North Vietnam, and S. 2098, to prohibit the export of articles to Communist countries trading with North Vietnam; and 12 Senators were added to S. 1796, to impose quotas on the importation of certain textile articles. Sen. Tower added his name as cosponsor to several bills and inserted a statement of his reasons for this action. pp. S10574-6

ITEMS IN APPENDIX

30. OPINION POLL. Rep. Gathings inserted the results of a questionnaire including items of interest to this Department. p. A3910
31. WATER. Rep. Wydler inserted his statement on the future water needs of his area made at the Army Corps of Engineers hearings on water supply problems. pp. A3913-14
32. MODEL CITIES. Extension of remarks by Rep. Moorhead expressing concern that the House "rejected" the model cities program and inserting an article on the subject. pp. A3917-18
33. FOOD STAMP. Rep. Fraser inserted a newspaper report praising the food stamp program. pp. A3922-3

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
FOR INFORMATION ONLY;
(NOT TO BE QUOTED OR CITED)

Issued August 4, 1967
For actions of August 3, 1967
90th-1st; No. 121

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HIGHLIGHTS: Senate committee reported bills to prohibit unfair trade practices affecting cooperatives, make newly acquired farms eligible for cropland adjustment program, and continue dairy indemnity payments. Sen. Mondale and Rep. Feighan introduced and discussed meat inspection bills. Sen. Sparkman introduced and discussed beef export bill.

SENATE

1. RECLAMATION. Began debate on S. 1004, authorizing construction and operation of the Central Arizona project. pp. S10733, S10737, S10758-9, S10813-19, S10822-51
2. BUDGET; TAXATION. Both Houses received the President's message reviewing the budgetary situation and recommending a temporary 10% surtax on corporate and personal income, a speedup of corporate tax collections, and continuation of excise taxes for the immediate future (H. Doc. 152). To Senate Finance Committee and House Ways and Means Committee. Several House members discussed the

message. pp. S10810-13, H9881-7, H9945

3. COOPERATIVES; DAIRY PAYMENTS; CROPLAND ADJUSTMENT; FARM LOANS. The Agriculture and Forestry Committee reported with amendment S. 109, to control unfair trade practices affecting producers of agricultural products and associations of such producers (S. Rept. 474), and S. 1657, to extend for one year the authority of this Department to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Government (S. Rept. 476), without amendment S. 2126, to make newly acquired farms eligible for the cropland adjustment program under certain circumstances (S. Rept. 475) and with amendments S. 1550, to provide for release of valueless liens under the Consolidated Farmers Home Administration Act (S. Rept. 487). p. S10745
4. WINE; TAXATION. The Finance Committee reported with amendments H. R. 1282, to provide for withdrawal of wine from bonded wine cellars without payment of tax, when rendered unfit for beverage use (S. Rept. 489). p. S10745
5. LAND REFORM. Sen. Proxmire spoke in favor of land reform in South Vietnam. pp. S10735-7
6. ELECTRIFICATION. Received from the Federal Power Commission a report, "Prevention of Power Failures." p. S10744
7. VEHICLES. Both Houses received from the General Accounting Office a report on its review of policies and practices of selected civil agencies for rebuilding used motor vehicle tires. pp. S10744, H9970
8. FOREIGN AID. Sen. Javits submitted several amendments which he intends to propose to the foreign aid bill. pp. S10759-60
Sen. Cooper inserted an article, "U. S. Assistance to Less-Developed Countries, 1956-65." pp. S10762-5
9. FOREIGN TRADE. S. Con. Res. 38, expressing the sense of Congress regarding the International Antidumping Code, was transferred from the Foreign Relations Committee to the Finance Committee. p. S10760
10. REDWOOD PARK. Sen. Metcalf said the Redwood National Park agreement has dangerous implications. pp. S10768-73
11. FORESTRY. Sen. Bartlett objected to suggestions that the ban on export of logs from Alaska be lifted in order to alleviate the shortage caused by exportation of logs to Japan from other areas. He said the Alaska logs are needed to encourage establishment of permanent industries in Alaska. p. S10778
12. FARM LABOR. Sen. Williams, N. J., recommended collective bargaining for farm workers. pp. S10787-9, S10790-2
13. LEGISLATIVE PROGRAM. Majority Leader Mansfield said he and Minority Leader Dirksen "wish to make a joint announcement to the effect that there will be a recess, on the part of the Senate, from the conclusion of business on Friday, September 1, up to and including Sunday, September 10." p. S10814

DAIRY INDEMNITY PAYMENTS

AUGUST 3, 1967.—Ordered to be printed

Mr. MONTROYA, from the Committee on Agriculture and Forestry,
submitted the following

R E P O R T

[To accompany S. 1657]

The Committee on Agriculture and Forestry, to which was referred the bill (S. 1657) to extend for 1 year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

This bill would extend to June 30, 1968, the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers whose milk is removed from commercial markets because it contained residues of chemicals approved by the Federal Government. The existing statutory authority expired June 30, 1967.

As introduced, the bill would have extended section 331 of the Economic Opportunity Act of 1964, which is the existing authority. However, the report of the Department of Agriculture raised a question as to vesting the funding responsibility in the Secretary of Agriculture; and to remove any such question the committee has recommended an amendment providing authority separate from the Opportunity Act. The committee amendment is in the nature of a substitute and the authority provided by it is identical to that provided through June 30, 1967, by section 331 of the Opportunity Act. There would of course be no duplication of payments for the same milk.

This legislation, and its need, background, and estimated cost, are fully explained in the attached report from the Department of Agriculture:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 24, 1967.

HON. ALLEN J. ELLENDER,
*Chairman, Committee on Agriculture and Forestry,
U.S. Senate.*

DEAR MR. CHAIRMAN: This is in reply to your request of May 2, 1967, for a report on S. 1657, a bill to extend for 1 year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government.

S. 1657 would extend the authority to make indemnity payments to dairy farmers who are directed to remove their milk from the market because it contains residues of chemicals, by further amending section 331(c) of the Economic Opportunity Act of 1964 to substitute June 30, 1968, for June 30, 1967.

The authority to make indemnity payments has been extended three times. The amended law now authorizes indemnity payments on milk removed from the market during the period January 1, 1964, through June 30, 1967. The authority originally was provided after improved methods of testing revealed residues in milk of heptachlor and dieldrin used on alfalfa and clover. The Department of Agriculture canceled the registrations and authorizations for such use of these principal offending chemicals. Dairy cooperatives, colleges, and local agencies adopted active programs of testing milk and feeds, and farmers adopted remedial feeding and other practices.

Until recently there was reasonable prospect that the problem would have diminished to a point by June 30, 1967, that further extension of the authority would not be necessary. However, in recent months, several large producers in the Rio Grande Valley have had their milk removed from the market because of DDT residue. The local dairymen, Texas and New Mexico State agencies, dairy and cotton associations, and our Agricultural Research Service, have undertaken to determine the causes and possible solutions. A similar problem recently has been uncovered by tests in Arizona.

Preliminary investigations indicate that the probable cause has been drift of insecticides applied by aircraft to control an unusually high population of pink bollworm on cotton in the area in recent years. The dairymen affected, and local agencies, are taking measures to reduce the insecticide residues. However, it appears that solution of the problem may require corrective measures extending beyond June 30, 1967.

In this connection, we have been concerned about the losses experienced by dairy farmers whose milk has been removed from the market because of residues of pesticides attributable to drift or application to feeds, not the fault of the dairy farmer. The legislative history showed that the purpose of this legislation was to indemnify farmers who suffered losses because they relied upon the recommendations of the Government in using the pesticide. Therefore, in 1965 the question of liability and eligibility for payment was taken up with the Comptroller General in cases where DDT had not been applied by the dairy farmer, but had been found on corn as a result of drift from neighbors' fields or on corn which the dairy farmer had purchased. After carefully

considering the matter, he advised us that, while the matter was not free from doubt, he perceived the apparent purpose of the Congress was to enact section 331 as a remedial legislation and he therefore would not question indemnity payments under section 331 to dairy farmers whose milk was removed from the market because it was contaminated by DDT originating in corn or forage which the dairy farmers had innocently purchased, or to dairy farmers whose milk was otherwise contaminated by DDT through no fault of their own.

Under these circumstances, we would not object if the Congress deems it advisable to continue for another year the authority for indemnity payments in view of the substantial losses some dairy farmers might otherwise experience because of the additional time needed by them and local agencies to solve the current problem.

The original appropriation for indemnity payments, which was to pay for milk removed from the market between January 1, 1964, and June 30, 1965, was \$8.8 million. As a result of the rapid remedial actions taken by local agencies and dairy farmers, payments for losses during this period totaled only \$349,933, and payments for losses in fiscal 1966 were only \$151,814. In view of this, the appropriation for fiscal 1967 was \$500,000. Payments for losses through May 1967 totaled \$232,680, and \$203,684 of these payments were made in the last 2 or 3 months to the producers in Texas who incurred losses because of DDT. It is estimated that another \$50,000 will be paid to these producers for milk kept off the market during the month of June, which will bring total payments for fiscal 1967 to about \$285,000.

The amount of payments in fiscal 1968 is uncertain, since it will depend largely upon the extent of the problem in the Southwest and the time required to remedy it. It appears, however, that the payments might reach \$2 million in fiscal 1968.

No funds for the program covered by S. 1657 are included in the 1968 budget. If the Congress desires to extend the program as proposed in the bill, we think that funding responsibility should be vested in the Secretary of Agriculture since he is charged with administering the program which is essentially one of benefit to farmers.

The Bureau of the Budget advises that, while there is no objection to the presentation of this report from the standpoint of the administration's program, the Bureau notes that these indemnity payments were originally authorized as a temporary measure to meet a limited problem and that they have been given temporary extensions. The Bureau is concerned about the continuing extension of these payments and the gradual expansion of the types of situations covered by them. The Bureau believes that a more basic analysis of the problem and alternative approaches are required, including consideration of the appropriate responsibilities of the Federal Government, local governments, and private parties, and evaluation of the substantial implications for other Government programs. Accordingly, if the committee determines that the temporary extension in S. 1657 is justified, under the circumstances outlined in the report, the Bureau feels that the basic problem should be thoroughly studied by the Congress and the executive branch agencies concerned before any further extensions are given consideration.

Sincerely yours,

ORVILLE L. FREEMAN.

S. 1657

[Report No. 476]

IN THE SENATE OF THE UNITED STATES

MAY 1, 1967

Mr. ANDERSON (for himself, Mr. MONTONA, and Mr. NELSON) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

AUGUST 3, 1967

Reported by Mr. MONTONA, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To extend for one year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 *That section 331(e) of the Economic Opportunity Act of*
- 4 *1964, as amended, is amended by striking out "June 30,*
- 5 *1967" and inserting in lieu thereof "June 30, 1968".*
- 6 *That the Secretary of Agriculture is authorized to make*
- 7 *indemnity payments, at a fair market value, to dairy farmers*
- 8 *who have been directed since January 1, 1964, to remove*

1 *their milk from commercial markets because it contained*
2 *residues of chemicals registered and approved for use by*
3 *the Federal Government at the time of such use. Such indem-*
4 *nity payments shall continue to each dairy farmer until he*
5 *has been reinstated and is again allowed to dispose of his*
6 *milk on commercial markets.*

7 *SEC. 2. There is hereby authorized to be appropriated*
8 *such sums as may be necessary to carry out the purposes*
9 *of this Act.*

10 *SEC. 3. The authority granted under this Act shall ex-*
11 *pire on June 30, 1968.*

[Report No. 476]

A BILL

To extend for one year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government.

By Mr. ANDERSON, Mr. MONTORA, and
Mr. NELSON

MAY 1, 1967

Read twice and referred to the Committee on
Agriculture and Forestry

AUGUST 3, 1967

Reported with an amendment

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued August 7, 1967
For actions of August 4, 1967
90th-1st; No. 122

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HIGHLIGHTS: Senate passed bills to prohibit unfair trade practices affecting co-operatives, make newly acquired farms eligible for cropland adjustment program, and continue dairy indemnity payments. House subcommittee approved meat inspection bill. Senate committee reported wild rivers bill. Sen. McCarthy introduced and discussed food reserve bill. Sen. Proxmire introduced and discussed bill to provide mortgage insurance for recreational development.

HOUSE

1. **MEAT INSPECTION.** A subcommittee of the Agriculture Committee approved for full committee action H. R. 6168, amended, to clarify and otherwise amend the Meat Inspection Act, to provide for cooperation with appropriate State agencies with respect to State meat inspection programs. The "Daily Digest" states that a clean bill will be introduced. p. D683

2. COOPERATIVES; CROPLAND ADJUSTMENT; DAIRY INDUSTRY. Passed as reported S. 109, to control unfair trade practices affecting producers of agricultural products and associations of such producers (pp. S10865-7); without amendment S. 2126, to make newly acquired farms eligible for the cropland adjustment program under certain circumstances (pp. S10867); and as reported S. 1657, to extend for one year the indemnity payments to dairy farmers who are directed to remove their milk from markets because it contains certain chemical residues (pp. S10867-8).
3. WILD RIVERS. The Interior and Insular Affairs Committee reported, on Aug. 4, during adjournment, with amendments S. 119, to reserve certain public lands for a National Wild Rivers System, and to provide a procedure for adding additional public lands and other lands to the system (S. Rept. 491). p. S10874
4. FARM LOANS. Passed as reported S. 1550, to amend the Consolidated Farmers Home Administration Act to provide for release of valueless liens. p. S10872
5. APPROPRIATIONS. The Appropriations Committee reported with amendments H. R. 10738, the defense appropriation bill (S. Rept. 494). p. S10874
6. PERSONNEL. Passed as reported H. R. 5876, to amend the U. S. Code relative to codifying, repealing, and amending numerous personnel laws. pp. S10869-70
Sen. Williams, N. J., commended and inserted an address by Sen. Mondale, "Retirement and the Individual." pp. S10907-9
7. TAXATION; ECONOMY. Sen. Proxmire disagreed with the President's tax proposal and stated "there is no economic case for a tax increase now." pp. S10899-900
Sen. Hartke criticized the President's tax proposal as being "unwarranted and unjustified at this time." pp. S10950-2
8. POVERTY. Sens. Yarborough and Harris inserted articles which state that Dr. Billy Graham supports the poverty program. pp. S10902-3
Sen. Harris inserted an article describing the "success" of the poverty program. pp. S10906-7
Sen. Hickenlooper inserted an article, "Poverty Warriors: The Riots Are Subsidized as Well as Organized." pp. S10933-4
9. RECLAMATION. Continued debate on S. 1004, to authorize the construction, operation, and maintenance of the central Arizona project, Arizona-New Mexico. pp. S10916-32, S10934-44
10. COSPONSORS. Cosponsors were added to S. 2116, to establish a commission to study the organization of the executive branch; S. 1726, to amend the Antidumping Act; and S. 1796, to impose quotas on the importation of certain textile articles. p. S10882
11. RECREATION. Sen. Moss spoke in support of his bills to establish the Canyonlands National Park and to authorize a survey of roads and tourist accommodations to expand the recreational resources of the golden circle and the four corners areas and inserted a supporting article. pp. S10884-6

producers and handlers or to compel dealings between handlers and associations.

Section 6 provides for enforcement through injunction on the application of the aggrieved party or the Secretary of Agriculture, or through actions for compensatory damages.

Section 7 provides for separability in case of any provision is held invalid.

Because of the increasing concentration of the marketing and distribution of agricultural products in the hands of fewer buyers, most farmers feel very strongly that they should have the right to organize and compete without fear of reprisal or of unfair trade practices. They believe that the wider use of contract marketing has created a greater need for the strengthening of their own bargaining position in order to secure prices and other benefits which they feel, and rightly so, they are entitled to. The bill provides farmers with an opportunity to improve their own lot through their own action.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. AIKEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 474), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SHORT EXPLANATION

This bill is designed to protect the agricultural producer's right to decide, free from improper pressures, whether or not he wishes to belong to a marketing or bargaining association. It consists of seven sections providing as follows:

Section 1. Short title "Agricultural Fair Practices Act."

Section 2. Legislative findings and declaration of policy.

Section 3. Definitions of "handler," "producer," "association of producers," "person" and "agricultural products" (the last definition excluding cotton and tobacco from the bill).

Section 4. Prohibition of coercion, discrimination, intimidation, bribery, falsehood, and conspiracy designed to influence a producer's election as to joining a cooperative or otherwise marketing his produce.

Section 5. Disclaimer of any intent to prohibit proper dealings between producers and handlers or to compel dealings between handlers and associations.

Section 6. Enforcement through injunction on the application of the aggrieved party or the Secretary of Agriculture, or through actions for compensatory damages.

Section 7. Separability in case of any provision is held invalid.

COMMITTEE CONSIDERATION

A similar bill by the same number, S. 109, was introduced in the 89th Congress on January 6, 1965. Hearings were held by the Subcommittee on Agricultural Research and General Legislation on June 14, 15, and 16,

1966. Subsequent to those hearings and as a result of the suggestions received at them an amendment in the nature of a substitute was developed and submitted to the committee for its consideration. The Subcommittee on Agricultural Research and General Legislation conducted hearings on the substitute on September 28, 1966. Witnesses representing the Department of Agriculture recommended three amendments at the hearing; and those amendments were incorporated in the substitute and introduced as S. 109 in the 90th Congress. The Subcommittee on Agricultural Research and General Legislation conducted hearings on the current bill on May 2, 4, and 11, 1967. All hearings have been printed.

Witnesses were in general agreement in favoring the objectives of the bill, but differed as to the mechanics and language by which those objectives could be achieved. Many proposals were advanced and all of them were carefully studied by the subcommittee and by the committee. The committee has recommended an amendment in the nature of a substitute, which it believes will accomplish the purpose of the bill more effectively than would the original text; makes it clear that normal and proper dealings not designed to restrict the producer's freedom of choice are not prohibited; and is fair to producers, associations of producers, handlers, and any others who may be affected by the bill.

The following section-by-section explanation of the committee amendment describes in further detail some of the matters considered by the committee in connection with the various sections of the bill.

AMENDMENT OF THE FOOD AND AGRICULTURE ACT OF 1965

The Senate proceeded to consider the bill (S. 2126) to amend the Food and Agriculture Act of 1965.

Mr. COOPER. Mr. President, the bill before the Senate, S. 2126, is a bill I introduced earlier this year. I am glad that its adoption has been recommended by the Senate Committee on Agriculture, and I appreciate the attention it has received from the distinguished chairman of the subcommittee [Mr. HOLLAND], from the chairman of the full committee [Mr. ELLENDER], and by the members of the committee, with whom I have served and who are friends of the farmers and understand their problems.

The bill is directed to farmowners who are displaced when their land is taken by an agency having the right of eminent domain. When a farm is taken for a reservoir, or road or other public purpose, the owner must move and acquire a farm in a new location if he is to continue farming. I know it has always been the intention of the Committees on Agriculture and, I am sure of the Congress, that these displaced farmowners be enabled to reestablish their farm operation without undue hardship. For example, we have provided that the farm allotments can be transferred in such cases.

The Tennessee Valley Authority is in the process of acquiring lands in Kentucky for the Between-the-Lakes Recreation Area. During the course of these acquisitions it appeared that a provision of the Food and Agriculture Act of 1965 failed to provide clear authority to the Secretary of Agriculture to enable displaced farmowners to participate in the cropland adjustment program on their new farms. The purpose of S. 2126 is to

provide this authority—that is, to make eligible for the cropland adjustment program land acquired by farmers who have had to move, without waiting for the 3-year period following acquisition otherwise required by the act of 1965.

Congressman FRANK A. STUBBLEFIELD of the First Congressional District of Kentucky, which includes the area Between-the-Lakes, introduced a similar bill in the House of Representatives, H.R. 2375, which was approved July 17 by the House Committee on Agriculture, on which he serves. I want to say that he discussed this problem with me, and acknowledge his initiative in helping to resolve the problem—which is important to the farm operations of those affected by the provision.

The bill has been approved by the Department of Agriculture, and I am glad to recommend its adoption by the Senate.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 475), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This bill would make a farm acquired to replace one transferred to an agency having the right of eminent domain eligible for the cropland adjustment program, even though it had been acquired during the previous 3 years.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 602(a) of the Food and Agriculture Act of 1965 is amended by adding at the end thereof the following new sentence: "The foregoing provision shall not prevent a producer from placing an eligible farm in the program if the farm was acquired by the producer to replace a farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain."

Dairy Indemnity AMENDMENT OF THE ECONOMIC OPPORTUNITY ACT

The Senate proceeded to consider the bill (S. 1657) to extend for 1 year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government which had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and insert:

That the Secretary of Agriculture is authorized to make indemnity payments, at a fair market value, to dairy farmers who have been directed since January 1, 1964, to remove their milk from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government at the time of such use. Such indemnity payments shall continue to each dairy farmer until he has been re-

instated and is again allowed to dispose of his milk on commercial markets.

Sec. 2. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Sec. 3. The authority granted under this Act shall expire on June 30, 1968.

The amendment was agreed to. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 476), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would extend to June 30, 1968, the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers whose milk is removed from commercial markets because it contained residues of chemicals approved by the Federal Government. The existing statutory authority expired June 30, 1967.

As introduced, the bill would have extended section 331 of the Economic Opportunity Act of 1964, which is the existing authority. However, the report of the Department of Agriculture raised a question as to vesting the funding responsibility in the Secretary of Agriculture; and to remove any such question the committee has recommended an amendment providing authority separate from the Opportunity Act. The committee amendment is in the nature of a substitute and the authority provided by it is identical to that provided through June 30, 1967, by section 331 of the Opportunity Act. There would of course be no duplication of payments for the same milk.

DAIRY INDEMNITY PAYMENTS FOR TEXAS FARMERS

Mr. YARBOROUGH subsequently said: Mr. President, I am very pleased at the Senate action today in extending the program for dairy indemnity payments for another year.

This bill will provide compensatory payments to dairy farmers whose milk must be removed from the market because of residues of pesticides. The payments are allowed where the residues occurred through no fault of the farmer, but because of drift from neighboring fields or application to feed or in reliance on recommendations of the Agriculture Department in using the pesticides.

These payments have been of special importance in west Texas in recent months, where efforts to control an unusually high infestation of pink bollworm on cotton have produced unallowable residues in some dairy milk. Some \$250,000 of payments to El Paso area dairymen for fiscal year 1967 appears necessary. This program needs to be extended through 1968 pending an assurance that the difficulties experienced in west Texas can be corrected. The Senate's action in extending this program is very meritorious.

AMERICAN PETROFINA CO. OF TEXAS

The bill (S. 1678) for the relief of American Petrofina Co. of Texas, a Delaware corporation, and James W. Harris, was considered, ordered to be engrossed

for a third reading, read the third time, and passed, as follows:

S. 1678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of section 31 of the Mineral Leasing Act of February 25, 1920 (30 U.S.C. 188), the Secretary of the Interior is authorized and directed to receive, consider, and act upon any petition of American Petrofina Company of Texas, a Delaware corporation, and James W. Harris, filed within one hundred and eighty days after the date of enactment of this Act, for reinstatement of United States oil and gas lease "Mississippi 030263" and United States oil and gas lease "Mississippi 030263(A)", as if such petition had been filed within the time provided in such section and such section had been applicable thereto.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 477), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to authorize and direct the Secretary of the Interior to consider a petition of the American Petrofina Co. of Texas, a Delaware corporation, to reinstate two oil and gas leases if petition is filed within 180 days after the reenactment of the bill.

STATEMENT

The Department of the Interior in a report to the committee, dated July 17, 1967, recommends that the bill be enacted.

In its favorable report to the committee, the Department of the Interior sets forth the facts in the case and its recommendations as follows:

Your committee has requested this Department's report on S. 1678, a bill for the relief of American Petrofina Co. of Texas, a Delaware corporation, and James W. Harris.

We recommend that the bill be enacted.

The bill would authorize and direct the Secretary of the Interior to consider a petition of the American Petrofina Co. of Texas to reinstate two oil and gas leases if the petition is filed within 180 days after enactment of this bill.

The original lease (Mississippi 030263) was issued effective August 1, 1956, to the assignee of Phronia R. Garellick, namely, I. P. LaRue. The lands included in the lease are described as follows:

- T. 4 N., R. 10 E., Choctaw Meridian Mississippi
- Sec. 18: East 30 acres of SE 1/4 NE 1/4,
- Sec. 29: All,
- Sec. 30: S 1/2,
- Sec. 31: 10 acres in SW corner of NW 1/4 NW 1/4,
- Sec. 32: W 1/2, NE 1/4,
- Sec. 36: NW 1/4 NE 1/4.

The acreage is given in the lease as 1,002.35 acres, and rental payments of \$501.50 have been made based on this acreage.

The lease was extended to July 31, 1966, on July 12, 1961. The entire lease was again assigned with the approval of the Bureau of Land Management to the American Petrofina Co. of Texas, effective September 1, 1962. A partial assignment of the lease to James W. Harris (Mississippi 030263(a)) was made on July 1, 1966, covering 40.16 acres, and both leases were extended to June 30, 1968.

According to the official plat of survey, the true acreage originally included in the 1956 lease was 1,524.84 acres. Apparently, the area included in sections 32 and 26 was not included in the total lease acreage. The annual rental, therefore, was deficient and the lease actually terminated prior to October 15, 1962.

The discrepancy between the description of the lands included in the lease and the total acreage shown in the lease were not discovered by the Department, the lessee, or the assignees until recently.

There is now pending before the Committee on Interior and Insular Affairs of the Senate a bill (S. 1367) designed to enable the Secretary of the Interior to decide cases such as this one administratively where the lease terminated after October 15, 1962. We have considered the possibility of recommending that S. 1367 apply to leases terminated prior to that date, but we have come to the conclusion that the 1962 date should be continued in that bill. The chances of similar cases arising prior to that date are fairly remote because the 1962 act was designed to cover those cases. Where they do come to light, we believe that special legislation such as S. 1678 would be appropriate.

In considering a petition under this legislation, we will follow the applicable criteria set forth in the general bill.

The Bureau of the Budget has advised they have no objection to the presentation of this report from the standpoint of the administration's program.

The committee believes that the bill as recommended by the Department of the Interior is meritorious and recommends it favorably.

BILL PASSED OVER

The bill (S. 922) for the relief of Euphemia King Hartley, James Hartley, and James Holmes Hartley was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

ANTONIO MARTIN RUIZ DEL CASTILLO

The bill (S. 1709) for the relief of Antonio Martin Ruiz del Castillo was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Antonio Martin Ruiz del Castillo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 25, 1961.

Amend the title so as to read: "A bill for the relief of Doctor Antonio Martin Ruiz del Castillo."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 479), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The amendment is technical in nature.

The title was amended so as to read: "A bill for the relief of Dr. Antonio Martin Ruiz del Castillo."

MITSU BLOMSTROM

The Senate proceeded to consider the bill (S. 975) for the relief of Mitsu Blom-

90TH CONGRESS
1ST SESSION

S. 1657

IN THE HOUSE OF REPRESENTATIVES

AUGUST 7, 1967

Referred to the Committee on Agriculture

AN ACT

To extend for one year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Secretary of Agriculture is authorized to make
4 indemnity payments, at a fair market value, to dairy farmers
5 who have been directed since January 1, 1964, to remove
6 their milk from commercial markets because it contained
7 residues of chemicals registered and approved for use by
8 the Federal Government at the time of such use. Such indem-

1 nity payments shall continue to each dairy farmer until he
2 has been reinstated and is again allowed to dispose of his
3 milk on commercial markets.

4 SEC. 2. There is hereby authorized to be appropriated
5 such sums as may be necessary to carry out the purposes
6 of this Act.

7 SEC. 3. The authority granted under this Act shall ex-
8 pire on June 30, 1968.

Passed the Senate August 4, 1967.

Attest:

FRANCIS R. VALEO,

Secretary.

AN ACT

To extend for one year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government.

AUGUST 7, 1967

Referred to the Committee on Agriculture

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
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POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
INFORMATION ONLY;
(NOT TO BE QUOTED OR CITED)

Issued August 10, 1967
For actions of August 9, 1967
90th-1st; No. 125

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HIGHLIGHTS: House committee voted to report dairy indemnity bill. Senate committee reported foreign aid bill. Sen. Montoya introduced and discussed bill to authorize cooperative rural fire protection program.

SENATE

1. FOREIGN AID. The Foreign Relations Committee reported with amendments S. 1872, the foreign aid bill. (S. Rept. 499). p. S11187
2. FORESTRY. Sen. Morse inserted his letter to the Commerce Department "outlining a number of current aspects of the log export problem and suggesting an in-depth survey to determine accurate figures on log sources, log use and export and the views of various companies in the industry with respect to this problem," and the reply to this letter. pp. S11213-4

3. PARITY. The Rules and Administration Committee reported a resolution to authorize the printing of a USDA report entitled "Parity Returns Positions of Farms," as a Senate document. p. S11187
4. MEAT INSPECTION. Sen. Montoya explained the provisions of his bill S. 2147, the proposed Wholesome Meat Act of 1967, and Sens. Bartlett, Bennett, Brewster, Brooke, Clark, Hart, Kennedy, Mass., Long, Mo., McGee, Monroney, and Morse were added as cosponsors. p. S11191
5. AGRICULTURAL TRADE STATISTICS. S. 1940, to require the Secretary of Agriculture to report annually to Congress statistics relating to import and export of agricultural commodities was rereferred from the Agriculture and Forestry Committee to the Finance Committee. p. S11191
6. ECONOMY; TAXATION. Sen. Proxmire recommended against the President's tax proposal and inserted several articles in support of his position. pp. S11198-11200
7. RECLAMATION. Sen. Bible inserted a report from the Interior Department explaining certain aspects of S. 1004, to provide for the construction and operation of the Central Arizona project. pp. S11202-3
Passed without amendment H. R. 743, to authorize the Sacramento Valley irrigation canals. This bill will now be sent to the President. pp. S11263-5
8. EXPORT-IMPORT BANK. Continued debate on S. 1155, to extend the period within which the Export-Import Bank is authorized to exercise its function, to increase the bank's lending authority and its authority to issue, against fractional reserves, export credit insurance and guarantees. pp. S11224-54
9. FARM LABOR. Sen. Yarborough inserted an editorial supporting the efforts of farm workers in the Rio Grande Valley to unionize for a "decent wage for the workers." p. S11259
10. COSPONSORS. Sen. Nelson was added as a cosponsor to S. 2229, to provide mortgage insurance for the development of land for recreational uses, and Sen. Jordan, N. C., was added to S. 1726, to amend the Antidumping Act, 1921. p. S11191

HOUSE

11. LANDS. A subcommittee of the Agriculture Committee approved for full committee action H. R. 10442, amended, to facilitate exchanges of Forest Service land for use for public schools; and H. R. 11527, amended, to direct the Secretary of Agriculture to release on behalf of the United States conditions in a deed conveying certain lands to the University of Maine and to provide for conveyance of certain interests in such lands so as to permit such university, subject to certain conditions, to sell, lease or otherwise dispose of such lands. p. D702
12. MILK. The Agriculture Committee voted to report (but did not actually report) ~~H. R. 11161, to extend for 3 years the special milk programs for the Armed Forces and veterans hospitals; and S. 1657, to extend for 1 year indemnity payments to dairy farmers.~~ p. D702

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
FOR INFORMATION ONLY;
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Issued August 23, 1967
For actions of August 22, 1967
90th-1st; No. 134

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HIGHLIGHTS: House committee reported dairy indemnity bill. House debated foreign aid bill. House subcommittee approved pay bill. Rep. Resnick introduced and discussed bill to restrict dairy imports.

HOUSE

1. DAIRY INDEMNITY. The Agriculture Committee reported S. 1657, to extend for 1 year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government (H. Rept. 574). p. H10986
2. LIVESTOCK. The Agriculture Committee reported H. R. 10673, to amend title III of the Packers and Stockyards Act of 1921, as amended (H. Rept. 575). p. H10986

3. SMALL BUSINESS. The Rules Committee reported a resolution for the consideration of H. R. 10409, to amend the authorizing legislation of the Small Business Administration. p. H10986
4. APPROPRIATIONS. Passed, 312-92, as reported H. R. 12474, the NASA appropriation bill. pp. H10909-29
5. FOREIGN AID. Continued debate on H. R. 12048, the foreign aid authorization bill. pp. H10929-47, H10987, H10981-2
As reported, this bill includes authorizations for both fiscal years 1968 and 1969. The committee report states that "A change to biennial authorizations will make it possible for the Committee on Foreign Affairs to improve the scope and nature of its review and analysis of the foreign assistance program and of its contribution to the implementation of U. S. foreign policy."
Other principal provisions of the bill are: (1) An authorization of \$600 million for fiscal year 1968 and \$750 million for fiscal year 1969 for the Development Loan Fund; (2) A definition of the principles of self-help in the administration of foreign aid; (3) An authorization of \$253 million for 1968 and \$263 million for 1969 for technical assistance; (4) An expansion of the investment guarantee program; (5) An authorization of \$4.8 million for the survey of investment opportunities program; (6) An authorization of \$650 million 1968 and \$750 million for 1969 for the Alliance for Progress; (7) Support for voluntary family planning programs; (8) An authorization of \$141 million for 1968 and \$158 million for 1969 for voluntary contributions to international organizations; (9) An authorization of \$170 million for each year for supporting assistance worldwide and an additional \$550 million for each year for supporting assistance in Vietnam; (10) An authorization of \$75 million for 1968 and \$100 million for 1969 for the contingency fund; (11) An authorization of \$650 million for 1968 and \$714 million for 1969 for military assistance; (12) The incorporation of the Agricultural Trade Development and Assistance Act of 1954 as part of the Foreign Assistance Act.
6. MARKETING ORDERS. A subcommittee of the Agriculture Committee approved for full committee action H. R. 4282, to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, so as to eliminate certain requirements with respect to effectuating marketing orders for cherries; and H. R. 10564, to amend the Agricultural Marketing Agreement Act of 1937, as amended, so as to extend marketing orders to canned or frozen pears. p. D755
7. POLLUTION. A subcommittee of the Government Operations Committee approved a subcommittee report, "To Save America's Small Lakes (Water Pollution Control and Abatement)." p. D756
8. PROCUREMENT. A subcommittee of the Government Operations Committee approved for full committee action H. R. 157, with amendment, to establish a Commission on Government Procurement. p. D756
9. RECREATION. A subcommittee of the Interior and Insular Affairs Committee approved for full committee action H. R. 10835, amended, to establish the National Park Foundation. p. D756

EXTENSION OF DAIRY INDEMNITY PAYMENTS AUTHORITY

AUGUST 22, 1967.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POAGE, from the Committee on Agriculture, submitted the following

REPORT

[To accompany S. 1657]

The Committee on Agriculture, to whom was referred the bill (S. 1657) to extend for 1 year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of this bill is to extend until June 30, 1968, the legislative authority for the Secretary of Agriculture to make indemnity payments to dairy farmers who, through no fault of their own, have their milk removed from commercial markets because it has been contaminated by residues of chemicals registered and approved for use by the Federal Government.

The original dairy indemnity authority was contained in section 331 of the Economic Opportunity Act of 1964, and this authority has been previously extended three times by Congress, but it expired on June 30, 1967. S. 1657, as passed by the Senate, included an amendment in the nature of a substitute which establishes a separate statutory authority for this program during fiscal year 1968.

NEED

This extension of dairy indemnity payment authority is necessary in order to reimburse dairy farmers for their economic loss incurred

as a result of the condemnation of their milk production if they followed Government recommendations concerning the use of agricultural chemicals and their milk production subsequently became contaminated by the residues of these chemicals.

COST

The Department of Agriculture anticipates that milk indemnity payments might reach \$2 million during fiscal year 1968, the period of time covered by this legislation.

ADMINISTRATION POSITION

The departmental report setting forth the background and administration position in regard to S. 1657 is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C. July 24, 1967.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your request of May 2, 1967, for a report on S. 1657, a bill to extend for 1 year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government.

S. 1657 would extend the authority to make indemnity payments to dairy farmers who are directed to remove their milk from the market because it contains residues of chemicals, by further amending section 331(c) of the Economic Opportunity Act of 1964 to substitute June 30, 1968, for June 30, 1967.

The authority to make indemnity payments has been extended three times. The amended law now authorizes indemnity payments on milk removed from the market during the period January 1, 1964, through June 30, 1967. The authority originally was provided after improved methods of testing revealed residues in milk of heptachlor and dieldrin used on alfalfa and clover. The Department of Agriculture canceled the registrations and authorizations for such use of these principal offending chemicals. Dairy cooperatives, colleges, and local agencies adopted active programs of testing milk and feeds, and farmers adopted remedial feeding and other practices.

Until recently there was reasonable prospect that the problem would have diminished to a point by June 30, 1967, that further extension of the authority would not be necessary. However, in recent months, several large producers in the Rio Grande Valley have had their milk removed from the market because of DDT residue. The local dairymen, Texas and New Mexico State agencies, dairy and cotton associations, and our Agricultural Research Service, have undertaken to determine the causes and possible solutions. A similar problem recently has been uncovered by tests in Arizona.

Preliminary investigations indicate that the probable cause has been drift of insecticides applied by aircraft to control an unusually high population of pink bollworm on cotton in the area in recent years.

The dairymen affected, and local agencies, are taking measures to reduce the insecticide residues. However, it appears that solution of the problem may require corrective measures extending beyond June 30, 1967.

In this connection, we have been concerned about the losses experienced by dairy farmers whose milk has been removed from the market because of residues of pesticides attributable to drift or application to feeds, not the fault of the dairy farmer. The legislative history showed that the purpose of this legislation was to indemnify farmers who suffered losses because they relied upon the recommendations of the Government in using the pesticide. Therefore, in 1965 the question of liability and eligibility for payment was taken up with the Comptroller General in cases where DDT had not been applied by the dairy farmer, but had been found on corn as a result of drift from neighbors' fields or on corn which the dairy farmer had purchased. After carefully considering the matter, he advised us that, while the matter was not free from doubt, he perceived the apparent purpose of the Congress was to enact section 331 as a remedial legislation and he therefore would not question indemnity payments under section 331 to dairy farmers whose milk was removed from the market because it was contaminated by DDT originating in corn or forage which the dairy farmers had innocently purchased, or to dairy farmers whose milk was otherwise contaminated by DDT through no fault of their own.

Under these circumstances, we would not object if the Congress deems it advisable to continue for another year the authority for indemnity payments in view of the substantial losses some dairy farmers might otherwise experience because of the additional time needed by them and local agencies to solve the current problem.

The original appropriation for indemnity payments, which was to pay for milk removed from the market between January 1, 1964, and June 30, 1965, was \$8.8 million. As a result of the rapid remedial actions taken by local agencies and dairy farmers, payments for losses during this period totaled only \$349,933, and payments for losses in fiscal 1966 were only \$151,814. In view of this, the appropriation for fiscal 1967 was \$500,000. Payments for losses through May 1967 totaled \$232,680, and \$203,684 of these payments were made in the last 2 or 3 months to the producers in Texas who incurred losses because of DDT. It is estimated that another \$50,000 will be paid to these producers for milk kept off the market during the month of June, which will bring total payments for fiscal 1967 to about \$285,000.

The amount of payments in fiscal 1968 is uncertain, since it will depend largely upon the extent of the problem in the Southwest and the time required to remedy it. It appears, however, that the payments might reach \$2 million in fiscal 1968.

No funds for the program covered by S. 1657 are included in the 1968 budget. If the Congress desires to extend the program as proposed in the bill, we think that funding responsibility should be vested in the Secretary of Agriculture since he is charged with administering the program which is essentially one of benefit to farmers.

The Bureau of the Budget advises that, while there is no objection to the presentation of this report from the standpoint of the administration's program, the Bureau notes that these indemnity payments were originally authorized as a temporary measure to meet a limited problem and that they have been given temporary extensions. The

Bureau is concerned about the continuing extension of these payments and the gradual expansion of the types of situations covered by them. The Bureau believes that a more basic analysis of the problem and alternative approaches are required, including consideration of the appropriate responsibilities of the Federal Government, local governments, and private parties, and evaluation of the substantial implications for other Government programs. Accordingly, if the committee determines that the temporary extension in S. 1657 is justified, under the circumstances outlined in the report, the Bureau feels that the basic problem should be thoroughly studied by the Congress and the executive branch agencies concerned before any further extensions are given consideration.

Sincerely yours,

ORVILLE L. FREEMAN.

○

Union Calendar No. 223

90TH CONGRESS
1ST SESSION

S. 1657

[Report No. 574]

IN THE HOUSE OF REPRESENTATIVES

AUGUST 7, 1967

Referred to the Committee on Agriculture

AUGUST 22, 1967

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

AN ACT

To extend for one year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Secretary of Agriculture is authorized to make
4 indemnity payments, at a fair market value, to dairy farmers
5 who have been directed since January 1, 1964, to remove
6 their milk from commercial markets because it contained
7 residues of chemicals registered and approved for use by
8 the Federal Government at the time of such use. Such indem-

1 nity payments shall continue to each dairy farmer until he
2 has been reinstated and is again allowed to dispose of his
3 milk on commercial markets.

4 SEC. 2. There is hereby authorized to be appropriated
5 such sums as may be necessary to carry out the purposes
6 of this Act.

7 SEC. 3. The authority granted under this Act shall ex-
8 pire on June 30, 1968.

Passed the Senate August 4, 1967.

Attest:

FRANCIS R. VALEO,

Secretary.

AN ACT

To extend for one year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government.

AUGUST 7, 1967

Referred to the Committee on Agriculture

AUGUST 22, 1967

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
TO BE QUOTED OR CITED)

Issued September 19, 1967
For actions of September 18, 1967
90th-1st; No. 146

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HIGHLIGHTS: House passed dairy indemnity bill. Rep. Resnick discussed report on Farm Bureau activity. Rep. Langen introduced and discussed bill to prohibit unfair trade practices affecting cooperatives. Sen. Fulbright introduced and discussed bill to prohibit fees for recreational facilities in designated redevelopment areas.

SENATE

1. **FOOD STAMPS.** Sen. Montoya spoke in favor of the food stamp program and stated, "I believe the program should move forward as a joint cooperative Federal-State venture." pp. S13136-7
2. **CONSERVATION.** Sen. Yarborough inserted an article by Secretary Freeman, "Conservation Crisis Demands Personal Involvement." pp. S13109-10
Sen. Byrd, W. Va., inserted an article from the Soil Conservation magazine which describes the goals and plans of several soil conservation districts in W. Va. pp. S13105-6

3. APPROPRIATIONS. Continued consideration of H. R. 9960, the independent offices and HUD appropriation bill. pp. S13145-65
4. VOCATIONAL REHABILITATION. The Labor and Public Welfare Committee reported without amendment H. R. 12257, to amend the Vocational Rehabilitation Act to extend and expand the authorization of grants to States for rehabilitation services, to authorize assistance in establishment and operation of a National Center for Deaf-Blind Youths and Adults, and to provide assistance for migrants (S. Rept. 565). p. S13083
5. POVERTY. Sen. Yarborough spoke in favor of the antipoverty bill and inserted an article in support of his position. p. S13105
Sen. Clark inserted an article urging enactment of S. 2388, the proposed Economic Opportunity Act Amendments of 1967. pp. S13132-3
6. JOB CORPS. Sen. Nelson inserted an article in favor of the Job Corps program, "Job Corps Rates New Look From Congress." pp. S13119-20
7. ELECTRIC UTILITIES. Sen. Kennedy, Mass., inserted an editorial which describes the efforts of Sen. Metcalf "to bring about better regulation of electric utilities and lower costs to the consumers of electric power." p. S13115
8. RECREATION. Sen. Moss inserted an article in support of S. 25, to establish the Great Salt Lake National Monument, which has passed the Senate. pp. S13123-4
9. FLOOD CONTROL. Sen. Carlson inserted a report by the Corps of Engineers on flood protection for the Grand-Neosho and Verdigris Watersheds in Okla. and Kan. The report stated that reservoirs constructed on these streams protected "120,000 acres of land and prevented \$3.1 million in damages" during the floods of last June. pp. S13128-9
10. FOREIGN AID. Sen. Byrd, W. Va., inserted an article, "Shocking Expose on Foreign Aid." p. S13141
11. TEXTILE IMPORTS. Sen. Prouty was added as a cosponsor to S. 1796, to impose quotas on the importation of certain textile articles. p. S13095
12. SOCIAL SCIENCES. Sen. Nelson inserted testimony in support of S. 836, to establish the National Foundation for the Social Sciences. pp. S13117-8

HOUSE

13. DAIRY INDEMNITY. Passed under suspension of the rules S. 1657, to extend dairy indemnity payment authority (pp. H12002-3, H12056). The Committee report states, "The purpose of this bill is to extend until June 30, 1968, the legislative authority for the Secretary of Agriculture to make indemnity payments to dairy farmers who, through no fault of their own, have their milk removed from commercial markets because it has been contaminated by residues of chemicals registered and approved for use by the Federal Government" and that the bill "establishes a separate statutory authority for this program during fiscal year 1968."
14. EDUCATION. The Rules Committee reported a resolution for the consideration of H. R. 6736, to amend the Communications Act of 1934 by extending and improving

judicial council did not have the issue before them. They did have it, and by approving my bill they approved Odessa as the meeting place for the court. It is disturbing to learn that even the distinguished chairman of the Judiciary Committee did not know the Judicial Conference and the judicial council had given this approval. If the chairman had given us a hearing on the legislation, which I requested, all of that information would have been developed. But there was no hearing and no notice that any action was planned by the committee. Then suddenly the Mahon bill was reported without any hearing and without any notice.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from New York.

Mr. CELLER. Mr. Speaker, I think the gentleman must know when he speaks of the judicial council and the Judicial Conference, he is speaking of two different bodies.

Mr. FISHER. That is correct.

Mr. CELLER. The judicial council is the judges of the court of appeals of the circuit.

Mr. FISHER. That is correct.

Mr. CELLER. The Judicial Conference is the Chief Justice of the Supreme Court and the chief judges and each of the circuit courts throughout the country and one or two district judges. It is quite a different body.

Mr. FISHER. It is quite a prestigious crowd, and everyone of them unanimously approved my bill directing that the court sit at Odessa, Tex. I am glad that chairman pointed that out.

I believe they should have some voice in this sort of thing. It is a custom, as I understand it, to seek their advice when a new division is created.

This was before them. That was their judgment.

I did not know about the postal receipts at Midland, but I am glad the post office is getting along well there. I had not heard that used before as an argument, to establish a court to accommodate the postal receipts. I have not checked on them, over at Odessa. If there had been a hearing, and a big issue made out of the postal receipts, I would have sought that information. Frankly, I did not know postal receipts made that much difference. I labored under the impression that the place where litigation is generated, where most of the jurors and witnesses and attorneys reside, to be served, were the important factors.

What I did know was that both the towns of Midland and Odessa are now in the Pecos division.

I did know that three times as many criminal cases on the Pecos docket originate in Ector County than in Midland County.

I did know that 85 percent of all the lawyers appearing in behalf of litigants in the Pecos court, of which both Odessa and Midland are parts, were from Odessa.

I did know Odessa is approximately 50 percent larger in population than the city of Midland.

The gentleman had better double

check his facts about the relative growth of the two cities in the past five years. Odessa has been on the move, and its growth is comparable with that of Midland, perhaps even more.

Mr. Speaker, I repeat that I recognize the handicap I have here today. I had what I thought was a pretty good bill. I put in a lot of work to get clearance of the judicial council and of the judicial conference, and the approval of the Attorney General, with the one exception that he did not want to say which city the court would be in until he made the big flip-flop here in August and switched from one side to another.

Are we to understand, Mr. Speaker, that the judicial conference and the judicial council should no longer be consulted about the creation of new judicial districts or divisions? I had been informed that clearance through those channels was an absolute requirement before the committee would consider a bill of this kind. Yet today the House is being asked to pass a bill which creates a new division—a bill which has never been even submitted to either the judicial conference or the judicial council.

Mr. Speaker, I have nothing against the city of Midland. It is populated by wonderful people. And no one can blame them for wanting a Federal court there. But everyone knows that the decision in this situation should be based upon the amount of litigation that is generated at a particular place, the expense and convenience of witnesses, jurors, and litigants, and factors of that kind. Postal receipts and bank deposits have nothing whatever to do with the question of the best location for a court to meet.

The fact that proponents are hard pressed for facts to justify the selection of Midland has become quite apparent. They talk of postal receipts, of bank deposits, and they manage to get the young attorney general to switch over, reverse his prior position of neutrality, and bolster the sponsor's case by deciding he favors Midland. For obvious reasons they do not talk about where most of the litigation would originate, where most of the jurors and witnesses would live, the expenses and convenience of those who would use the court. In a manner of speaking, they talk about nothing to prove something. The pertinent facts are overwhelming against them, and so they must talk about irrelevant things.

Mr. Speaker, in conclusion I repeat that this legislation will be scrutinized elsewhere. It is my hope that the author of the pending bill will join in the request I shall make for an open hearing on the bill by the Judiciary Committee of the Senate. Then we can develop the facts and the record can speak for itself.

Mr. CELLER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Speaker, I believe it is fair to say that either Odessa or Midland would be a suitable place to hold court in this division. From a geographical standpoint, both towns are well located in reference to the makeup and location of the counties involved in the proposed division.

Naturally, I would be partial to my own district and my able colleague the gentleman from Texas [Mr. FISHER], would be partial to the district which he represents. This is understandable and appropriate.

I would like to make reference to the Judicial Council and to the Judicial Conference. I have sought to inform myself of the policies of these bodies. I think I can correctly say that these bodies interest themselves in the administration of justice and in the creation of court divisions wherever they may be necessary.

These bodies, in my opinion, favor the creation of a Midland-Odessa division of the Federal court in the western district of Texas. I doubt that they would have any preference for one town over the other. When the town of Odessa was presented, there was approval. Had Midland been presented, I think the attitude of these groups would have been equally favorable. What these bodies support is a new court division to meet the Midland-Odessa need.

It seems clear to me that these bodies are not concerned with the precise town in which a court is located. These bodies are concerned with the problem of providing adequate judicial service for litigants and the general public. It is a responsibility of Congress and not these bodies to determine more specifically the exact location of the place for holding court, and, of course, also the need.

I would like to speak a word about the extent of Federal court activity affecting Midland and Odessa.

Complete statistics as to the cases before the Pecos court, of which Midland and Odessa are now a part, are not available to me, but the information which has become available indicates that Midland and Odessa are probably about equally involved in the civil cases that come before the Federal court in the area. I do not want to overstate the case but my information actually indicates a greater volume in Midland. But as previously stated, there is much activity involving the Federal court in both Midland and Odessa.

In conclusion, let me say that under all circumstances the division of the court is needed for the administration of justice in the area. You have a bill before you which meets the requirements. There is no disagreement on that point. So I sincerely trust the pending measure will be approved so that the public need can be met. The Committee on Judiciary has presented a unanimous report which I believe deserves your support.

Mr. GONZALEZ. Mr. Speaker, I commend the Committee on the Judiciary for its fine preparation and presentation on H.R. 8338. A new division for the U.S. District Court, Western District of Texas, is urgently needed. The committee has made this impressively clear in its report, and I am in full support of this legislation. However, I wish to call the attention of my colleagues to another pressing situation facing the western district of Texas.

The pattern of population growth, and administrative efficiency, call for a new Midland-Odessa division as H.R. 8338

provides. But similarly, the population and economic growth throughout west Texas indicate the necessity of an additional judgeship for the western district. I introduced legislation on June 8 for this purpose; my bill, H.R. 10668, would increase the number of judges from four to five.

A few figures from the 1966 Annual Report of the Administrative Office of the U.S. Courts demonstrate this need. In 1966, the 88 judicial districts in the United States had a weighted caseload per judgeship of 255—200 civil and 55 criminal—but the western district of Texas had a weighted caseload average of 320—163 civil and 157 criminal—for the four judges now sitting. Two of these judges, the Honorable Adrian Spears and the Honorable Dowrin Suttle, terminated 1,744 criminal cases last year, a total second only to the southern district of California with 13 judges. The terminated civil cases, however, compare about equally per judge between these two districts.

If there had been five judges instead of four, as my bill provides, last year's caseload would average out to 256 cases per judge, which is one above the weighted national average. Five judges last year would have brought caseload equality then, but the rapid population and economic growth being experienced in central and west Texas mean that a fifth judgeship this year would still leave the western district behind the national average, and increasingly disparate.

But caseload is not the only unusual burden on the judges of the western district of Texas. This district covers an immense geographical area, an area almost as large as the States of New York and Pennsylvania combined. The four judges do an exceptional amount of traveling in order to sit at the division courts. It is a trip of 800 miles to travel from Waco in one end of the district to El Paso in the other, following the route via Austin, San Antonio, Del Rio, and Pecos.

To repeat, Mr. Speaker, I support H.R. 8339 and praise the Judiciary Committee for its concern for judicial efficiency in the western district of Texas. But I also urge that the pressing need for an additional judgeship for this district be given consideration as soon as possible.

The SPEAKER. The question is on the motion of the gentleman from New York that the House suspend the rules and pass the bill H.R. 8338.

The question was taken; and on a division (demanded by Mr. FISHER) there were—ayes 57, noes 16.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXTENSION OF DAIRY INDEMNITY PAYMENTS AUTHORITY

Mr. STUBBLEFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1657) to extend for 1 year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals regis-

tered and approved for use by the Federal Government.

The Clerk read as follows:

S. 1657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to make indemnity payments, at a fair market value, to dairy farmers who have been directed since January 1, 1964, to remove their milk from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government at the time of such use. Such indemnity payments shall continue to each dairy farmer until he has been reinstated and is again allowed to dispose of his milk on commercial markets.

SEC. 2. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 3. The authority granted under this Act shall expire on June 30, 1968.

The SPEAKER. Is a second demanded?

Mr. BELCHER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Kentucky [Mr. STUBBLEFIELD] is recognized for 20 minutes.

[Mr. STUBBLEFIELD addressed the House. His remarks will appear hereafter in the Appendix.]

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oklahoma.

Mr. BELCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. MATHIAS].

Mr. MATHIAS of Maryland. I thank the gentleman who has yielded me this time very briefly to speak in support of the bill.

In response to the gentleman from Ohio [Mr. VANIK], who just spoke, I would say that there are circumstances that surround the history of this bill that should be understood, because the Department of Agriculture, in fact, did recommend the use of heptachlor, for example, which is one of the drugs which persists in the soil after being used, and the Government took an active part in promoting the use of this insecticide. Therefore, I think the Government has an active responsibility in committing it to damage that has been done by the insecticide.

In response to the gentlewoman from Missouri, who raised the question of how long this would go on, I think that she has touched upon the very crux of this problem, a problem which must be resolved not by legislators or politicians, but by scientists.

It is my understanding that the state of the art is such that we do not know exactly how long this will persist. There is a theory that the contamination or the taint of the drug is spread systematically by the plant, picked up by the root system and brought up through the sap, and it may persist for a long period of time. But science is not at all clear as to the full details of this—or at least not to my knowledge. So I hope the Department of Agriculture as well as private industry, the private chemical and

insecticide industries, will all move forward very strongly, so that we understand more about how chemicals of this sort do affect plant life.

But in the meantime, we have a responsibility for the farmers who have followed the Department of Agriculture bulletins, who have done the best they can do in progressing in modern farming and helping America to be the productive breadbasket of the world she is. In those few instances where men and women, within my knowledge, have been absolutely wiped out because they could not market their milk—in those few cases, and the record shows they are very few—I think we have an obligation to spread the burden of the loss by the passage of this bill extending the indemnity program.

I urge the House to pass this bill.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. MATHIAS of Maryland. I yield to the gentleman from Missouri.

[Mrs. SULLIVAN addressed the House. Her remarks will appear hereafter in the Appendix.]

Mr. BELCHER. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. QUIE].

(Mr. QUIE asked and was given permission to revise and extend his remarks.)

Mr. QUIE. Mr. Speaker, I rise in support of this legislation.

The dairy farmers who have been affected have used the chemicals as was provided on the label. These were chemicals which were certified and approved by the Federal Government. Therefore, the Federal Government has a responsibility when they condemn milk in which they found chemical residue and no fault of the farmer. In no instance I know of were any of the dairy farmers negligent in their use of these chemicals. Therefore, as long as the Federal Government is involved in this, is involved in registering and certifying the pesticides, it ought to be liable, too, when the farmers have to dump their milk. Therefore, I urge passage of this bill, so we will have 1 more year of the indemnity program.

Mr. BELCHER. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. KEITH].

(Mr. KEITH asked and was given permission to revise and extend his remarks.)

Mr. KEITH. Mr. Speaker, I heartily support S. 1657 which will authorize the Secretary of Agriculture to make indemnity payments to innocent dairy farmers who suffer loss as a result of directives from the Department of Agriculture that they remove their milk from commercial markets.

This program is designed to help the dairy farmer who has applied chemicals in accordance with prudent accepted practice and who is suddenly found to have an unacceptable chemical residue in the milk he must sell. The program will also help the dairy farmer who suffers a residue problem caused by feed he purchases from others or spray drift from adjoining property.

Dairy farming is already a risky, difficult, and all too often losing game. The problems of high costs and low returns are now threatening dairymen everywhere—and those in my district are really feeling the pinch. As a result, increasing numbers of farmers are leaving the land for other endeavors.

There is no need to add to the dairy farmer's present burdens the additional risk and expense that he will suffer from contamination of his products caused by factors beyond his control. This bill will reimburse the innocent farmer when his product is condemned. It is a good bill and I support it.

Mr. STEIGER of Wisconsin. Mr. Speaker, I rise in support of this legislation—S. 1657—and want to associate myself with the excellent statements made on behalf of this bill.

While Wisconsin has not suffered from the problem to which this bill addresses itself it is important to recognize that the problem can arise and this legislation is necessary for dairy farmers throughout America.

I trust the bill will be passed overwhelmingly and urge my colleagues to support it.

Mr. BELCHER. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. There being no further requests for time, the question is on the motion of the gentleman from Kentucky that the House suspend the rules and pass the bill S. 1657.

The question was taken.

Mr. CONTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken, and there were—yeas 320, nays 7, not voting 105, as follows:

[Roll No. 258]

YEAS—320

Abernethy	Burke, Fla.	Derwinski
Adams	Burke, Mass.	Devine
Addabbo	Burleson	Dingell
Albert	Burton, Calif.	Dole
Anderson, Ill.	Bush	Dorn
Andrews, Ala.	Button	Dow
Andrews, N. Dak.	Byrne, Pa.	Dowdy
Annunzio	Byrnes, Wls.	Downing
Arends	Cabell	Dulski
Ashley	Cahill	Duncan
Ashmore	Carter	Dwyer
Ayres	Cederberg	Eckhardt
Barrett	Celler	Edmondson
Bates	Chamberlain	Edwards, Ala.
Battin	Clancy	Edwards, La.
Belcher	Clark	Ellberg
Bell	Clausen,	Erlenborn
Bennett	Don H.	Esch
Berry	Cleveland	Eshleman
Betts	Cohelan	Evans, Colo.
Bevill	Collier	Evins, Tenn.
Biester	Colmer	Farbstein
Bingham	Conable	Fascell
Blanton	Conte	Findley
Boggs	Corbett	Fisher
Bolling	Corman	Flood
Bolton	Cowger	Flynt
Bow	Cramer	Foley
Brademas	Culver	Fraser
Brasco	Cunningham	Friedel
Bray	Daddario	Fulton, Tenn.
Brooks	Daniels	Fuqua
Brotzman	Davis, Ga.	Galifianakis
Brown, Mich.	Davis, Wls.	Gardner
Broyhill, Va.	Dawson	Gathings
Buchanan	de la Garza	Gilbert
	Denney	Gonzalez

Goodling	McEwen	Rosenthal
Griffiths	McFall	Roth
Gross	McMillan	Roudebush
Grover	Macdonald,	Roush
Gubser	Mass.	Ruppe
Gude	MacGregor	Ryan
Hagan	Machen	Satterfield
Haley	Madden	Schadeberg
Hall	Mahon	Scherle
Hamilton	Mailliard	Schneebell
Hammer-	Marsh	Schweiker
schmidt	Martin	Schwengel
Hanley	Mathias, Calif.	Scott
Hanna	Mathias, Md.	Selden
Hansen, Idaho	Matsunaga	Shipley
Hansen, Wash.	May	Shriver
Hardy	Mayne	Sisk
Harrison	Meeds	Skubitz
Harsha	Meskill	Slack
Harvey	Michel	Smith, Calif.
Hathaway	Miller, Ohio	Smith, N.Y.
Hechler, W. Va.	Mills	Smith, Okla.
Heckler, Mass.	Minish	Snyder
Helstoski	Mink	Springer
Henderson	Minshall	Stafford
Hicks	Mize	Stanton
Holifield	Montgomery	Steed
Horton	Moorhead	Steiger, Ariz.
Howard	Morris, N. Mex.	Stelger, Wis.
Hull	Morse, Mass.	Stratton
Hungate	Morton	Stubblefield
Hunt	Mosher	Stuckey
Hutchinson	Moss	Sullivan
Ichord	Murphy, Ill.	Taylor
Jacobs	Myers	Teague, Calif.
Jarman	Natcher	Teague, Tex.
Joelson	Nedzl	Thompson, Ga.
Johnson, Calif.	Nelsen	Thompson, N.J.
Johnson, Pa.	Nichols	Thompson, Wis.
Jonas	Nix	Tiernan
Jones, Ala.	O'Hara, Ill.	Tuck
Jones, Mo.	O'Hara, Mich.	Udall
Jones, N.C.	O'Konski	Ullman
Karsten	Olsen	Vander Jagt
Kastenmeier	O'Neal, Ga.	Vigorito
Kazen	O'Neill, Mass.	Waggonner
Kee	Patman	Waldie
Keith	Pelly	Walker
Kelly	Perkins	Wampler
Kirwan	Pettis	Watson
Kleppe	Pickle	Watts
Kornegay	Pike	Whalley
Kupferman	Pirnie	White
Kuykendall	Poff	Whitener
Kyl	Pollock	Whitten
Kyros	Price, Ill.	Widnall
Laird	Pryor	Wigglins
Langen	Quile	Williams, Miss.
Latta	Quillen	Williams, Pa.
Leggett	Randall	Wilson, Bob
Lennon	Rees	Winn
Lipscomb	Reid, Ill.	Wright
Lloyd	Reid, N.Y.	Wylie
Long, La.	Reinecke	Wyman
Long, Md.	Reuss	Yates
McCarthy	Rhodes, Ariz.	Young
McClory	Rhodes, Pa.	Zablocki
McClure	Riegle	Zion
McCulloch	Rivers	Zwack
McDade	Rodino	
McDonald,	Rogers, Colo.	
Mich.	Rooney, N.Y.	

NAYS—7

Carey	Patten	Vanik
Gibbons	Scheuer	Wydler
Hosmer		

NOT VOTING—105

Abbitt	Everett	King, Calif.
Adair	Fallon	King, N.Y.
Anderson,	Feighan	Kluczynski
Tenn.	Fino	Landrum
Ashbrook	Ford, Gerald R.	Lukens
Aspinall	Ford,	Miller, Calif.
Baring	William D.	Monagan
Blackburn	Fountain	Moore
Blatnik	Frelinghuysen	Morgan
Boland	Fulton, Pa.	Multer
Brinkley	Gallagher	Murphy, N.Y.
Brock	Garmatz	Ottlinger
Broomfield	Gettys	Passman
Brown, Calif.	Gialmo	Pepper
Brown, Ohio	Goodell	Phillbin
Broyhill, N.C.	Gray	Poage
Burton, Utah	Green, Oreg.	Pool
Casey	Green, Pa.	Price, Tex.
Clawson, Del	Gurney	Pucinski
Conyers	Halleck	Purcell
Curtis	Halpern	Rallsback
Delaney	Hawkins	Rarick
Dellenback	Hays	Reifel
Dent	Hébert	Resnick
Dickinson	Herlong	Roberts
Diggs	Holland	Robison
Donohue	Irwin	Rogers, Fla.
Edwards, Calif.	Karth	Ronan

Van Deenlin	Sikes	Rooney, Pa.
Watkins	Staggers	Rostenkowski
Whalen	Stephens	Roybal
Willis	Taft	Rumsfeld
Wilson,	Talcott	Sandman
Charles H.	Tenzer	St Germain
Wolff	Tunney	St. Onge
Wyatt	Utt	Saylor

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Gerald R. Ford.
Mr. Edwards of California with Mr. Fulton of Tennessee.
Mr. Miller of California with Mr. Halleck.
Mr. Donohue with Mr. Goodell.
Mr. Philbin with Mr. Frelinghuysen.
Mr. Feighan with Mr. Robison.
Mr. Garmatz with Mr. Brown of Ohio.
Mrs. Green of Oregon with Mr. Broomfield.
Mr. Wolf with Mr. Halpern.
Mr. Willis with Mr. Adair.
Mr. Dent with Mr. King of New York.
Mr. Rogers of Florida with Mr. Del Clawson.
Mr. Green of Pennsylvania with Mr. Saylor.
Mr. Murphy of New York with Mr. Fino.
Mr. Rostenkowski with Mr. Utt.
Mr. Multer with Mr. Wyder.
Mr. Staggers with Mr. Moore.
Mr. Charles H. Wilson with Mr. Ashbrook.
Mr. Tenzer with Mr. Sandman.
Mr. Aspinall with Mr. Broyhill of North Carolina.
Mr. Delaney with Mr. Dickinson.
Mr. Gialmo with Mr. Gurney.
Mr. Holland with Mr. Reifel.
Mr. Sikes with Mr. Brock.
Mr. St. Onge with Mr. Talcott.
Mr. Ronan with Mr. Curtis.
Mr. Monagan with Mr. Lukens.
Mr. Kluczynski with Mr. Blackburn.
Mr. Blatnik with Mr. Taft.
Mr. Van Deenlin with Mr. Wyatt.
Mr. King of California with Mr. Dellenback.
Mr. Boland with Mr. Burton of Utah.
Mr. Ottinger with Mr. Rumsfeld.
Mr. Pucinski with Mr. Rallsback.
Mr. Hawkins with Mr. Whalen.
Mr. St Germain with Mr. Watkins.
Mr. Landrum with Mr. Casey.
Mr. Morgan with Mr. Gray.
Mr. Gettys with Mr. Resnick.
Mr. Stephens with Mr. Price of Texas.
Mr. Hays with Mr. Herlong.
Mr. Pepper with Mr. Karth.
Mr. Pool with Mr. Everett.
Mr. Brown of California with Mr. Conyers.
Mr. Anderson of Tennessee with Mr. Baring.
Mr. Abbitt with Mr. Tunney.
Mr. Passman with Mr. Rooney of Pennsylvania.
Mr. Diggs with Mr. Gallagher.
Mr. Irwin with Mr. Brinkley.
Mr. Rarick with Mr. William D. Ford.
Mr. Fountain with Mr. Purcell.
Mr. Roybal with Mr. Roberts.

Mr. SCHEUER changed his vote from "yea" to "nay."

Mr. YATES changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STUBBLEFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDING THE ACT OF MARCH 18, 1966, RELATING TO FILLING VACANCIES IN OFFICE OF DISTRICT JUDGE FOR EASTERN DISTRICT OF PENNSYLVANIA

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 828) to amend section 5(b) of the act of March 18, 1966, Public Law 89-372, so as to make the prohibition contained therein on the filling of certain vacancies in the office of district judge for the eastern district of Pennsylvania inapplicable to the first vacancy occurring after the enactment of such act.

The Clerk read as follows:

S. 828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(b) of the Act entitled "An Act to provide for the appointment of additional circuit and district judges, and for other purposes", approved March 18, 1966 (80 Stat. 78), is amended by striking out the words "first three vacancies occurring" in the second sentence thereof and inserting in lieu thereof "second, third, and fourth vacancies occurring after the effective date of this Act".

The SPEAKER pro tempore. Is a second demanded?

Mr. BIESTER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

The gentleman from New York will be recognized for 20 minutes and the gentleman from Pennsylvania will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. CELLER. Mr. Speaker, the bill, in a word, technically amends 5(b) of the act of March 18, 1966, so as to make the prohibition contained in that act on the filling of certain vacancies in the office of the district judge for the Eastern District of Pennsylvania inapplicable in the first vacancy occurring after the enactment of that act.

When we passed the so-called omnibus bill in 1966, we were wrestling with a staggering load of cases that had accumulated in the Philadelphia district; that is, in the Eastern District of Pennsylvania. There had been an unprecedented piling up of cases in the district, causing untold delays and hardships and confusion, and all the judges of that circuit asked the Judiciary Committee to relieve that situation. The Judicial Conference of the United States and the Department of Justice did likewise.

The request was that we appoint three temporary judges to reduce the backlog of cases. In the omnibus bill we had a provision for the appointment of three so-called temporary judges. What is a temporary judge? A temporary judge means upon the death or resignation or vacancy in the judgeship of that district, that judgeship shall not be filled.

It would appear that these three temporary judges were not appointed im-

mediately. There was considerable delay in the appointment of these judges. It took almost a year to a year and a half before the appointments were confirmed by the Senate. Meanwhile, there was the continuation of this difficulty in the eastern district of Pennsylvania.

In the interim, one of the incumbent district judges was elevated to the court of appeals, to the Circuit Court for the Third Circuit. So, instead of having three temporary judges, we had only two temporary judges.

Two judges were insufficient to solve that difficulty in Pennsylvania. The vacancy caused by the elevation of District Judge Van Dusen to the Third Circuit Court of Appeals could not be filled because of the prohibition in the omnibus bill; namely, that the first vacancy occurring in this office of district judge for that district shall not be filled.

In order to continue the tackling of those cases and to reduce the tremendous backlog that still continues in Philadelphia, we ask that the prohibition against the filling of that temporary vacancy be eliminated—that the prohibition be eliminated. That is what this bill does.

We do not add any judgeships. There were three temporary judgeships. All we do is to provide for one temporary judgeship to take the place of the judgeship that was made vacant by the advance of Judge Van Dusen to the Circuit Court of Appeals for the Third Circuit. There is no expense whatsoever to the Government. The Department of Justice approves the legislation. The Judicial Conference approves the legislation.

All those who are involved in this matter give it emphatic approval. It is hoped that the House likewise will approve the possibility of the appointment of this temporary judgeship.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. EILBERG].

Mr. EILBERG. Mr. Speaker, in amplifying the remarks of the distinguished chairman of the committee, I should like to call attention to a few salient facts.

One is the growing backlog of cases in the eastern district of Pennsylvania. As the Senate report indicates, this backlog has been increasing at a very substantial rate. Whereas in 1959 it was in the neighborhood of 3,500, it has increased each year substantially. At the end of 1965 there were 5,500 cases, and today there is a backlog of more than 6,000 cases, in one of the busiest district courts of the United States.

Mr. Speaker, it takes some 43 months for a civil case to reach trial after it has been started. Certainly justice requires more speedy consideration than that.

I should like to say also, in amplification of the chairman's remarks, that the so-called omnibus bill was approved March 18, 1966. Before the three temporary vacancies could be filled, District Court Judge Van Dusen was elevated on June 27, 1967, thereby creating a vacancy. Following his elevation to the circuit court of appeals, three district court judges were appointed. Judge Weiner was appointed June 28, 1967; Judge Troutman was appointed July 7, 1967; and Judge Masterson was appointed on July 17, 1967.

Mr. Speaker, the eastern district of Pennsylvania needs this extra temporary judge very badly.

As the chairman indicated, these are temporary. When three additional vacancies occur, under the terms of existing law, these vacancies will not be filled.

Mr. BIESTER. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. JONAS].

Mr. JONAS. Mr. Speaker, I should like to have some explanation of the facts set out in the table on page 2 and 3 of the committee's report. It shows that fewer civil cases and fewer criminal cases were terminated in 1965 than was the case in 1959. The table would indicate that while the workload is increasing fewer cases are being completed.

Will someone on the committee explain how that comes about?

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from New York.

Mr. CELLER. Those kinds of figures sometimes are misleading. They might be antitrust cases, which might continue for months. As an example, in the Philadelphia area there was the electric antitrust case, which I believe took almost 9 months to hear, if I am not mistaken. Perhaps the gentleman from Pennsylvania could check me on that. I believe it was 9 months.

Those kinds of cases occupy a great deal of time. At times one cannot rely on numbers of cases to determine the volume of business or the character of the business of the court.

Mr. JONAS. If the distinguished chairman will permit me to say so, the gentleman is asking us to rely on the table to show an increased workload. The explanation about the Westinghouse case certainly would not explain why the number of private civil cases terminated is going down per year. It is down to 1,588, from 1,695, over the 7-year period.

Mr. CELLER. There was increased manpower during that period. That is why the numbers have decreased.

Mr. JONAS. Increased manpower?

Mr. CELLER. The number of judges was increased.

Mr. JONAS. That is true. They should have terminated more cases, then.

Mr. CELLER. I was going to say that does not always follow. It depends on the nature of the case.

Mr. JONAS. It seems strange that the number of terminated cases, both civil and criminal, is going down and has been for several years in this court. I think somebody ought to have an explanation as to why that is so.

Mr. BIESTER. I do not know that I can respond entirely to the gentleman's question, but if you will refer to the table, you will find the number of private civil cases commenced beginning in 1959 and ending in 1965 increased by approximately 700. The terminations decreased only by about 200. There was a net gain in consummated cases of approximately 500. The remarks of the chairman of the Committee on the Judiciary earlier were correct. There were a number—and Westinghouse is only one of them—of fairly lengthy civil trials that occupied the time of one judge for

give up the rights which the Hay-Bunau-Varilla Treaty of 1903 assured us "in perpetuity." No sociological condition exists in economically booming Panama so acute that it requires us to strip ourselves of our sovereignty over the Canal Zone—a sovereignty we have held since Panama was but fifteen days old. The hard truth is that the Johnson Administration is running away in Panama because it is in a state of funk. It is taking what it considers the easy way out.

But is it the easy way? The whole discussion by those who would surrender our Canal Zone and the fate of our citizens there has been drenched with emotional chat about "world opinion." By some occult reasoning, Mr. Johnson's advisors have convinced him that we will win the world's admiration if we run out on the Panama Canal we built and the Canal Zone over which we are assured sovereignty by every feature of international law. No supposition could be more preposterous. There can be no surer way for the United States to win the contempt of the world, and particularly of Latin America, than to show itself too inveterate to defend its own possessions and status in the Isthmus.

Perhaps the most humiliating indictment which we can make of the Johnson Treaty is that the Panamanians themselves never expected such a complete surrender by the United States. From the start of negotiations in 1964, little Panama has mounted a complete bluff. On July seventeenth, even *La Hora* of Panama City admitted that "Panama never dreamed that its negotiators could get so much." It is almost as if, hoping for a handout, Mexico were to demand El Paso, Texas—and receive it with a smile.

I

A playback of those events of the last twelve years which led to the present crisis reveals that at nearly every juncture the Panamanians have won increasing gains not because they were strong, or right, but because of the weaknesses and euphoria of the last three Washington Administrations. If the United States had at any point taken a firm and convincing stand on its rights under the 1903 Treaty, Panamanian demands would have withered and turned to reason. Unfortunately, none of our last three Presidents has taken such a stand. Panama has won the jackpot virtually by default.

In glancing at the past, 1955 stands out as the probable point of no return. In that year the Eisenhower Administration, badly counseled by Dr. Milton Eisenhower, the President's advisor on Inter-American affairs, negotiated a treaty which was expected to satisfy Panama's appetite for more economic benefits from the Canal. The agreement gratuitously raised our annual subsidy from \$430,000 to \$1,930,000, turned over real estate valued at more than \$25 million, and made other generous concessions. Americans were led to believe that all of this was done to purchase a period of goodwill in Panama which would doubtless last for half a century.

Of course, as everywhere else, the reaction of the Panamanian politicians was not gratitude but an awareness that Washington was ready for a bigger touch. They struck for the jackpot, for sovereignty over the Canal Zone, reasoning that by encouraging Communist-led attacks on the Zone they could create difficulties which the United States might be more than glad to surrender to them along with sovereignty over the entire 503 square miles of American territory which comprise our Canal Zone. Fantastic as the idea may seem, it has worked.

The decadent "Hundred Families" who rule Panama had quite an ace to play in the form of their liaison with Panama's Communist-controlled student organizations. They well knew that their student demonstrations could be turned on and off at a signal; for, the radical students turned regularly for orders and advice to Diogenes de la Rosa, at

the time chief advisor to Panama's President. It was De la Rosa, long the leader of the Pnaama Socialist Party, who in his youth led the activities which won Panama's student organizations to Marxism. Fond of describing the Soviet revolution as the "instructor for my generation," he calls himself a Marxist. It is not unreasonable to suppose that it was De la Rosa who convinced the top politicians that they should use the students as shock troops in their campaign to drive the United States from the Isthmus. It would be well to keep Mr. De la Rosa in mind, as he was the chief Panamanian negotiator in the talks which produced the new Treaty.

The issue selected to touch off the anti-American campaign was the demand that the flag of Panama be flown in the Zone as a symbol of Panama's sovereignty there. This was of course designed to change the juridical meaning of the treaty which gives the United States "all the powers, rights and authority" within the Zone "which the United States would possess and exercise if it were the sovereign of the territory . . . to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, powers and authority." Milton Eisenhower and the President's other advisors ignored the consequences which such a display of the Panama flag would involve. They temporized with the situation until it got out of hand.

On May 2, 1958 the agitation erupted into violence. The Marxist Union of University Students launched what they called "Operation Sovereignty." Seventy-five students, led by Communists Cleto Manuel Souza and Bolivar Davalos, marched into the Zone and planted fifty-nine Panamanian flags between Panama and Cristobal. Terrorism followed. When Milton Eisenhower visited Panama on July fourteenth, Panama's President de la Guardia took up the matter of the flying of the Panamanian flag over our territory in the Canal Zone and told our President's brother that the United States must yield on the issue. Concurrently a picket line of student Communists was thrown around the U.S. Embassy displaying banners declaring: "Milton, the Canal is Ours." Incredibly, Dr. Eisenhower sent word that he would like to meet with the young Communists. They rebuffed him coldly and he left Panama claiming to be greatly shaken by the situation there. So shaken was he, in fact, that he returned to recommend to his brother that the United States capitulate.

When Washington delayed, the Panamanian Administration, working hand in hand with the Communists, decided to stage another demonstration. On November 28, 1959, after an earlier abortive attempt, a Communist-led mob, spearheaded by students, attempted an armed invasion of the U.S. Canal Zone. Halted by American troops they turned back into Panama City, attacking and looting American property. Accompanied by Aquilino Boyd, a former Minister of Foreign Affairs, they marched to the American Embassy, tore the American flag from the Embassy mast, desecrated it, and replaced it with the flag of Panama. While all this was going on, the Panamanian police and National Guard stood idle. They were under orders not to act.

This was the point at which Washington should have broken off all conversations with Panama and made it plain that the United States couldn't be bullied. But the Administration had planned from the beginning to handle it in a different way. In fact, the leaders of the Communist mobs had been emboldened by the knowledge that Fernando Eleta, subsequently one of Diogenes de la Rosa's colleagues on the 1966-1967 negotiating team, had visited Milton Eisenhower at his home on September 13, 1958, after his return from Panama, and had come away with a promise that the United States was now ready to acknowledge Panamanian sovereignty over the Canal Zone. This was

officially denied, but in November of 1959 the President sent Undersecretary of State Livingston T. Merchant to Panama. After three days of discussion with leaders of the "Hundred Families," Merchant announced United States recognition of Panama's "titular" sovereignty over the Zone.

When the news reached Congress the reaction was both immediate and furious. So intense was the anger that, on February 2, 1960, Congressman Daniel J. Flood (D.-Pennsylvania) led the House of Representatives in adopting, by a record vote of 381 to 12, a Joint Resolution disapproving the flying of Panama's flag in the American Canal Zone. Soon thereafter, an amendment to the appropriations bill for the Department of Commerce, expressly forbidding the use of funds for display of the Panamanian flag, passed both the House and Senate.

President Eisenhower waited patiently until Congress had adjourned and the legislators were returned to their constituencies. Then, on September 17, 1960, he issued an Executive Order directing that the flag of Panama be flown at the Shaler Triangle in the Canal Zone. The Panamanian Left had at last thrust its head into the tent of United States sovereignty over the Canal.

II

When in 1961 the refreshing figure of John F. Kennedy moved into the White House to replace the jaded Eisenhower, the American public expected better things. The new President's campaign speeches had conveyed the impression that he relished a more vigorous American foreign policy—a policy alert to defend American rights abroad. But the nation was in for a crushing disappointment. It took John Kennedy no time at all to make Dwight Eisenhower look like a Right-wing Extremist. He immediately surrounded himself with an off-beat collection of Latin American counselors—men like Arthur Schlesinger Jr., Richard Goodwin, and Walt W. Rostow. Even Adolf A. Berle couldn't work with them. Their minds beclouded with moony plans for a magic Alliance for Progress, they quickly made a further mess of the situation in Panama.

Panama itself now had a new President, Roberto F. Chiari. Supported by the Communists in his first race for the Presidency in 1956, Chiari was spokesman for all of the anti-Gringo elements in Panamanian politics. A rich man himself, he catered to Marxists and malcontents. He quickly established contact with young President Kennedy and received an invitation to visit the White House. Meanwhile, at the initiative of Aquilino Boyd, Panama's National Assembly passed a resolution setting the stage for the Chiari-Kennedy talks. The resolution called for renegotiation of the 1903 Treaty.

What actually happened at the White House during Chiari's two-day visit is still undisclosed. The joint statement which the two Presidents released, like all such documents, was ambiguous. The real agreement was verbal. But, from Chiari's declaration at the height of the 1964 riot that "I have been promised a renegotiation of the 1903 Treaty," it is obvious that President Kennedy went well beyond President Eisenhower in his promises to Panama. The first visual sign of this policy was the agreement to fly the Panamanian flag at eleven new locations in the American Zone. Soon thereafter the Panamanian flag was ordered flown wherever the American flag was displayed.

After taking office, President Johnson made some initial gestures indicating that he might be the firm President the American people had been hoping for through three Administrations. To take no chances, the Communists decided to confront him with a bloody demonstration that would make renegotiation an attractive alternative. Lyndon Johnson had but warmed his seat in the White House when they precipitated the grisly riots of January ninth to fourteenth,

1964. No political event could have illustrated more certain signs of premeditation. Whatever the agreement between the "Hundred Families" and the Communists, each played the role with flawless liaison.

Panama's National Guard, a formidable body of three thousand men trained and armed by the Americans, could have snuffed out the demonstration in little more than an hour. Responsible Americans and Panamanians pleaded with President Chiari to mobilize the Guard. To every plea he replied: "I have been promised the renegotiation of the 1903 Treaty. I won't act until I have the word of the United States that they will grant it."

The riot was of course a planned performance, and part of the script was to force American troops trying to protect lives and property to fire upon the Panamanian mobs in self-defense. That would permit the Panamanian President to rally the country about him. Roberto Chiari's premeditated ruthlessness resulted in better than four hundred casualties, but the tragedy produced the desired effect: President Johnson softened. With an election campaign facing him in 1964, Lyndon Johnson wanted no trouble in Panama to confuse the campaign issues. He yielded, stepping firmly into the trap of negotiations. All of our rights in the Canal Zone were now in danger.

Having decided to follow in the footprints of President Eisenhower, Lyndon Johnson was confronted with the task of selling the surrender of the Panama Canal to the American public. Plainspeaking Ambassador Thomas C. Mann warned him that ninety percent of the American people would vigorously oppose a sellout of the Canal Zone. Recognizing the truth of this, Johnson has initiated a three-pronged political attack to cover the American exit from the Isthmus:

(1) To prevent public discussion, which would most certainly arouse the rage of Americans against any Administration which proposed to surrender American soil to a foreign power, the President has surrounded the negotiations with a leaden secrecy. Every attempt by Members of Congress or by the Press to pry out the facts has invariably been met by a sharp reply that, for reasons of national security, the whole matter is classified. The American and Panamanian negotiators met in closed sessions, and agreed to issue no public reports and grant no interviews. Twice, the President himself spoke from his Olympian heights, vaguely summarizing what he said were the salient agreements. But the negotiators themselves operated in a publicity vacuum. The hush-hush strategy paid off. For almost three years negotiations which gravely affected the whole future of the Americas went almost unreported in the Press. Left in complete ignorance, Ambassador Mann's "ninety percent" never mobilized into angry opposition.

(2) Since ratification of the Treaty requires a two-thirds majority in the Senate, Mr. Johnson moved early and cleverly in an attempt to thwart potential Republican opposition by associating nationally known Republicans with his new Treaty project. Since President Eisenhower was so deeply involved in the blunders which led to the Panamanian defiance, he could not consistently criticize the Johnson solution. In fact, his backstage influence among Senate Republicans was invoked to support the Treaty surrendering the Canal Zone. After the negotiations were completed, President Eisenhower openly and ardently leaped into the arena with a strong statement urging ratification of the Johnson Treaty. Chief Negotiator Robert B. Anderson, Eisenhower's Secretary of the Treasury, has now been pushed forward as a drum-beater for the Treaty on Capitol Hill. Several weeks ago when a number of Republican Senators were contemplating speeches on the Treaty issue in the hope

of awakening the American people from their state of misinformation, Anderson was rushed to the Senate Office Building where he personally implored each minority Senator to remain silent until the negotiations were completed. His mission was successful and the American people remained in the dark during the important weeks when there should have been a national debate.

(3) To give the public the impression that the Johnson Administration was giving up nothing of value in surrendering the Zone and the sole control of the Canal, a carefully timed campaign was launched to sell the idea that the Panama Canal is obsolescent and that we must build a new one. The old claptrap about a sea-level canal, which had been studied and rejected by Congress as far back as the Administration of Theodore Roosevelt was again revived. Congress was pressured to appropriate money for a commission to study a new sea-level route—a commission including such "unprejudiced" members as Dr. Milton Eisenhower. The maneuver had its intended effect.

The "Liberal" Press went to town on the sea-level idea, now all jumbled together with a science fiction tale involving immediate nuclear excavation, and the public began to accept without question the idea that the Panama Canal was outdated. Thus the focus was turned from the existent Canal, which we were abjectly surrendering, to a phantom sea-level canal that was presumably soon to be excavated with a handful of hydrogen bombs. Of course, the whole performance was a fraud. So many technical and diplomatic obstacles have become evident that it is now doubtful if the sea-level canal will ever be built. But, even if the enormous difficulties could be overcome, it would be years before it could be operative. Meanwhile, except for a few oversize tankers and carriers the present Canal is not obsolete. Why, after all, do you suppose the Panamanian Marxists want it?

III

PRESIDENT JOHNSON may win his senseless battle to surrender our position in Panama. If he does, he will still lose. When the act becomes known, millions of Americans will execrate his name for the deed. There is, after all, a Presidential election next year. Other Johnson programs, sound or unsound, have at least held political appeal that bought votes or benefited some particular segment of the American population, however much at the expense of the rest of us. His Panama program is, however, a sellout that all Americans can understand.

Americans built a canal in Panama which stood for fifty-three years as a proud monument to American generosity and international goodwill. It has been a contribution which we have made unselfishly to the commerce of the world. We have deliberately refrained from raising tolls since 1941 because the founders of the Canal were determined that it would never be used to bleed international commerce. This praiseworthy record will now be repudiated by the Johnson Treaty.

With Texas-sized contempt for traditional policy, Mr. Johnson's negotiators have written into the very text of the Treaty a provision for drastic increases in tolls to please the Panamanian mobs. Something honorable and clean is being transformed into a tribute-taker's toll trap, to mulct the commerce of the world. That the Johnson Administration is well aware of the coming descent into piracy is shown by the fact that it engaged a team of Stanford University professors to draw up a brief to indicate just how high it is possible to raise the tolls. Such is the moral slough into which the Senate of the United States will be asked to descend in its consideration of this Treaty.

REPRESENTATIVE VANIK OPPOSES S. 1657

(Mr. VANIK (at the request of Mr. JACOBS) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, I am opposed to S. 1657 because I do not believe the Federal Government should make a permanent new start in this area and become a guarantor of chemical products used in agriculture.

Under no circumstances should contaminated milk or food find its way to the general public. However, the Federal Government should not undertake the responsibility of reimbursing every producer of unfit merchandise. The manufacturer of a pesticide should be held to account under products liability laws for any dangers to human life or losses which may be sustained by farmers resulting from the use of these products. Furthermore, one farmer improperly using a pesticide which contaminates the crop or the dairy product of another farmer should be held to account to his neighbor for the improper use of a pesticide or chemical.

The Federal Government should not become a guarantor of products permitted to be sold in the United States simply because they have been cleared by either the Department of Agriculture, the Food and Drug Administration, or any other agency of the Government. The Federal Government owes an obligation to provide protection to the general public and to insure that food should be wholesome and free from contamination. This responsibility of the Federal Government should not be stretched to insure farmers or producers against loss of profit or other losses which may result from the production of contaminated foodstuffs.

Certainly the States have some responsibility in this area to insure that pesticides for the use of one crop do not cause the deleterious production of another. Certainly the manufacturer of a pesticide or other agricultural chemical has an obligation to the user which will provide that its use will not cause damage to another crop produced nearby. Certainly the farmer who uses a pesticide or agricultural chemical must be obligated to use the chemical in accordance with the prescribed instructions and in such a way that damages are not incurred by a neighbor's crop or dairy product.

The Federal Government should not endeavor to displace the product liability of a manufacturer or user of an agricultural chemical or pesticide.

FAY WILLIAMS SERVES HER COMMUNITY AND HER COUNTRY

(Mr. JACOBS was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JACOBS. Mr. Speaker, Mrs. Fay Williams has compiled a record of service to Indianapolis matched by few other individuals in our community.

As social worker and then director of a settlement house and a day-care center,



Public Law 90-95
90th Congress, S. 1657
September 28, 1967

An Act

81 STAT. 231

To extend for one year the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who are directed to remove their milk from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to make indemnity payments, at a fair market value, to dairy farmers who have been directed since January 1, 1964, to remove their milk from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government at the time of such use. Such indemnity payments shall continue to each dairy farmer until he has been reinstated and is again allowed to dispose of his milk on commercial markets.

Dairy farmers.
Indemnity pay-
ments program,
extension.
78 Stat. 525;
80 Stat. 1465.
42 USC 2881.

SEC. 2. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 3. The authority granted under this Act shall expire on June 30, 1968.

Approved September 28, 1967, 1:45 p.m.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 574 (Comm. on Agriculture).
SENATE REPORT No. 476 (Comm. on Agriculture & Forestry).
CONGRESSIONAL RECORD, Vol. 113 (1967):
Aug. 4: Considered and passed Senate.
Sept. 18: Considered and passed House.

